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DOCUMENTS

OF THE

BOARD OF ASSISTANTS.

FROM MAY 21, 1832, TO MAY 12, 1834.

VOLS. II & III.

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DOCUMENT NO. I.

BOARD OF ASSISTANTS.

MAY 21, 1832.

Report of the Street Committee on the petition of sundry persons for changing the name of the Bowery (from Sixth to Fourteenth street) to that of Clinton Place. Report adopted and petition rejected.

BENJAMIN CRANE, Clerk.

The Committee on Streets to whom was referred the annexed petition, to cause the name of the upper part of the Bowery to be changed,

REPORT,

That they are not disposed to grant the prayer of the petitioners. They consider the frequent changing of names of streets as fraught with great inconvenience and frequent positive evils. Deeds conveying real estate have generally reference to

certain streets, by which such estate is bounded, and it is important that while in the lapse of time men die and their actions are forgotten, the records of purchase and sale of real estate should be so clear that no mistake can by possibility arise. Your Committee deem the want of this clearness in boundaries to be one of the most fertile sources of litigation; at the same time they see no objection to individuals naming certain blocks of buildings which may be occupied with handsome and expensive houses as their fancy may dictate, such as "Le Roy Place," which still constitutes a part of Bleecker street; "St. Mark's Place," which yet is a component part of Eighth street, &c. "College Place" is an exception to this, which your Committee regret for reasons stated above, as well as that it is looked upon as a precedent for other applications to the Common Council of a similar character.

Your Committee in conclusion offer the following resolution:

Resolved, That the prayer of the petitioners be not granted.

WM. W. HOLLY,
FRANCIS FICKETT,
GEORGE SUTTON.
Committee on Streets.

DOCUMENT NO. II.

BOARD OF ASSISTANTS.

MAY 21, 1832.

Report on Resolution to amend the Law Creating a Street Commissioner's Department. Report adopted and resolution rejected.

BENJAMIN CRANE, Clerk.

The Committee on Streets to whom the accompanying proposed amendment of the Law creating a Street Commissioner's Department was referred,

REPORT,

That on the sixth day of February last, an amendment to this law, embracing all that the Committee deem important in the annexed resolution was passed by the Board of Aldermen. On the 30th of April following, the same amendment was concurred in by this Board, and it received the signature

of his Honor the Mayor on the 2d instant, and thus became incorporated with the original law. Your Committee thereupon ask leave to be discharged from the consideration of this subject.

WM. W. HOLLY,
FRANCIS FICKETT,
GFORGE SUTTON,
Committee on Streets.

DOCUMENT NO. III.

BOARD OF ASSISTANTS.

MAY 21, 1832.

Report from the Counsel relative to the Revision of the Ordinances.
Referred to Special Committee on Departments.

BENJAMIN CRANE, Clerk.

In compliance with a Resolution passed by the Board of Assistants on the 26th of March last, the subscriber begs leave to report herewith a portion of the Revision of the Ordinances by the Corporation, embracing those which relate to the Alms House Department, and to the regulation of Hackney Coaches and Stages.

As these subjects have no connection with each other, it may be proper to state how they happen to be presented together. On entering upon the duty of revising the Laws of the Corporation, it was deemed advisable to take the last compilation of those laws published in 1827, as the basis of the revision, and to proceed in the order observed in that

volume. The first chapter, entitled "A Law for the government of the Alms House" was accordingly commenced with, and the provisions of that law, as lately altered and remodeled by the Common Council were incorporated together in a separate chapter, intended as Chapter I. of the Revision. Before however this chapter was completed, it was found that there were subjects of more pressing importance to be taken up and acted upon, than those which would come next in order according to the arrangement of the volume of 1827, and it was determined to proceed with those for which there appeared to be the most urgent necessity. Among those none appeared to want immediate regulation more than the numerous accomodation stages now in use throughout the city, and as the regulation of those stages was properly connected with the subject of Hackney Carriages, (which is chapter XVI. of the Compilation of 1827) that subject was taken up and a law prepared relating to it, which is now presented.

Presuming that the parts now submitted, will be referred to the appropriate Committees, the subscriber refrains from entering into any detail of the alteration and new provisions which it has been thought expedient to suggest with them. He will be happy to attend before those Committees to give whatever explanations may be required, and shall proceed as rapidly as circumstances will permit with other portions of the Revision.

Respectfully submitted,

New York, May 21, 1832. R. EMMET.

DOCUMENT NO. IV.

BOARD OF ASSISTANTS.

JUNE 4, 1832.

Report of the Committee on Wharves, &c., on the remonstrance of Richard Kirby and others, relative to triangular piece of ground at the foot of Canal street being used as a Coal Yard. Report adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Public Lands and Places to whom was referred the annexed Remonstrance of Richard Kirby and others against the triangular piece of ground at the foot of Canal street being used as a Coal Yard, have had the subject under consideration, and in the opinion of your Committee it is inexpedient to lease said ground for that purpose, and therefore recommend the adoption of the following resolution,

Resolved, That this Committee be discharged from the further consideration of this subject.

Respectfully submitted,

FRANCIS FICKETT,
D. BANKS,
THOMSON PRICE,
Committee on Public Lands and Places.

DOCUMENT NO. V.

BOARD OF ASSISTANTS.

JUNE 4, 1832.

Repert of the Committee on Cleaning Streets. Law adopted. and on motion, with the report, ordered to be printed.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Cleaning Streets, to whom was referred the following Resolution, viz :—"Resolved, that the Committee on Cleaning Streets, be specially charged with the devising of some plan for the more efficient regulation of the Scavenger Department,"

RESPECTFULLY REPORT,

That considering an efficient system of cleaning the streets, a subject of vital importance to the health, comfort and convenience of all populous cities, they have endeavored to give

the subject referred to them, all the consideration which it merits.

Aware of the difficulty of presenting to the Common Council a system which may be effectual, and at the same time having a proper regard to the economical use of the public monies, your Committee have thought proper to consult the experience of some of our oldest and most respectable citizens, together with distinguished individuals from other cities, whose knowledge on the subject, has rendered their information valuable to the Committee.

Although we may never effect the thoroughly cleansing of our city, without the introduction of a supply of water into the streets, still your Committee are of opinion that important improvements may be made without materially increasing the expense.

The present system is in many respects defective. The morning being the busy part of the day, the law requiring the citizens to sweep before eight and ten o'clock in the morning, is not so often violated through a wanton disregard of the ordinances of the city authorities, as through mere forgetfulness of the days and hours of sweeping. There are again many respectable house-keepers who are not able to hire servants, and who, at the same time, feel it degrading to exhibit themselves in the streets with the servants of their more wealthy neighbors. There are others again who will tell you they have been very observant of the laws on their part, and have regularly swept and heaped up the dirt in front of the lots in their occupancy, but that the proper authorities have not complied with the requisitions of the law in the removal of it; and that it is left day after day, to decompose before their doors, thus becoming offensive past endurance.

It appears to be obvious then, that our streets will never be perfectly swept by our citizens: and the portions of the

street in front of each lot being swept at different times, the gutters which are the most offensive, cannot be always cleansed without the aid of public sweepers.

Your Committee would therefore recommend, that sweepers be employed, and placed under the direction of the street inspectors of each ward, at the public expense, not only to sweep the streets, but that they be especially charged to clean effectually, the cross walks, gutters, and intersections: and to assist the cartmen in loading their carts; and that the cartmen be directed to follow the sweepers, and to take away the dirt as fast as it is swept up in heaps.

Although your Committee would, in all cases, strenuously urgs the strictest economy in the expenditure of the public monies—yet in a matter of such great importance as the one before them, affecting the health and even lives of our citizens, the expense should be a secondary consideration.

That terrible disease, the *cholera*, which has caused so much alarm throughout Europe, has as yet prevailed extensively only in the most dirty and filthy districts, and among such classes as neglect a proper degree of cleanliness. The Committee believe that the citizens of New York have more to fear from the miasma arising from the decomposition of animal and vegetable matter in our streets, than from the importation of this disease.

The people of Boston and Philadelphia, who pride themselves on the cleanness of their streets, may justly reproach us with neglect and want of energy in this great and important item in our domestic enjoyments. The streets of those places, and all other populous cities which can boast of clean streets, are swept at the public expense, under such regulations as that the streets and gutters are cleansed in a proper manner.

Agreeably to the nearest estimate your Committee have been able to make, the extra expense of employing public

sweepers would not exceed the value of one dollar and twenty-five cents to each house keeper for the year, which will not more than equal the destruction of brooms in each family, and would give employment to many who might otherwise become inmates of our Alms House; thus showing that notwithstanding the calculation of the expense may appear a few thousand dollars more, still the real expense to our citizens in the economy of time, &c. would be much less than it is at present: and even were the expenses greater, the city of New York, the commercial emporium of the western world, with her ample means, should never be behind her sister cities in the arrangement of her domestic comforts.

It may not be amiss to mention some of the difficulties experienced in the cleansing of our streets, which are presented in the irregularity of the pavements, and more particularly the gutters, which are depressed in some places and elevated in others, so that pools of stagnant and putrid water accumulate.

To remedy this evil hereafter in our pavements, the gutters should be made of substantial hewn stone, hollowed and laid down in such inclined planes, as will readily admit of the water being carried entirely off. The pavements in the more central parts of the streets should also be done with more care: paving stones should be selected of equal size, and where it is necessary to diminish the size of the stones in approaching the centre of the streets, it should be done in such a gradual manner, as that the diminution may not affect the strength of the pavement. In no case will the pavements stand, where the stones are placed together of such unequal dimensions as they are at present in our streets.

It appears to be demonstrated to a certainty, that our present mode of paving will not withstand, for any great length of time, the wear of our heavy carriages and stages; and it is a matter worthy of serious consideration, whether it will

not be altogether better to M'Aadamize our principal streets, as the present pavements become worn out. It is the opinion of your Committee that the improvements of this nature may be gradually made, and that the additional cost will bear no comparison to their great public utility; inasmuch as our streets, under such regulations, may not only be better cleaned, but the health and comfort of the people promoted.

In the cleaning of our streets, the greatest evil lies in the present plan of placing all the carts and the removal of the dirt under the direction of one person. It is impossible for the Superintendent of Streets to comply with the requisitions of the law in this respect. He may remove the dirt from our principal streets, but the greater part must necessarily be neglected until late in the season. This apparent neglect becomes a source of great irritation to our citizens, who have complied with the letter of the law from time to time, sweeping up the dirt, which must be left for weeks, perhaps for months, in piles before their doors, until it becomes extremely offensive; thus bringing censure upon an officer, who from the best information your Committee can obtain, has discharged his duty with ability and zeal, as far as practicable; and has used the means placed at his command, to the best possible advantage. The fault is in our system. Our laws should be made reasonable, and then should be strictly enforced.

By placing the carts and sweepers under the immediate control of the several Street Inspectors, and obliging them to commence at sunrise in the morning, it is believed that all of our principal streets might thus be cleaned before business hours.

Your Committee therefore, after much time spent in the investigation of the different modes of cleaning streets, practised both in this country and in Europe, beg leave to recommend the accompanying ordinance, which has been drawn

up under the unanimous concurrence of the Committee of this Board.

The Committee beg leave also to report, that they have received a joint resolution from the Board of Aldermen and Assistants, in the following words, viz:

"*Resolved*, (If the Board of Assistants concur,) That the Committee for Cleaning Streets be appointed a Committee on the part of this Board, to meet a similar Committee of the Assistants, for the purpose of devising a more perfect system of cleaning the streets of the city, than now prevails; and that the Joint Committee report an ordinance for the purpose."

They have considered the above resolution, which is not materially different in its import from the resolution adopted previously by this Board, and report the result of their labors accordingly, hoping that the same may eventually prove acceptable to both Boards. And your Committee would respectfully observe, that nothing but the urgency of the occasion, involving a question that demands the serious and immediate attention of the Common Council, has prevented a fuller interchange of opinion with the Committee from the other Board.

Respectfully submitted,

JEREMIAH TOWLE,
Chairman.

WM. W. HOLLY,
JAMES MONROE.

A LAW

REGULATING THE CLEANING OF THE PUBLIC STREETS OF THE CITY OF NEW YORK.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :—

§ 1. In each and every Ward an efficient person shall be appointed to the office of Street Inspector of the said Ward, who shall be sworn to the faithful performance of his duties, and give bonds, with two good and sufficient sureties, to be approved by the Common Council, in the penal sum of One Thousand Dollars, for the faithful performance of his duties.

§ 2. The said Street Inspectors shall each receive two dollars per diem for their services. And they shall be at all times under the immediate control and direction of the Alderman and Assistant of their respective Wards, and shall be removed from office at their request.

§ 3. In addition to the duties now prescribed by law, it shall be the duty of the said Street Inspectors to remove, or cause to be removed effectually, twice in each week, on the days recognized by law as sweeping days for the several districts, all the manure, dirt, filth, rubbish, &c. from the streets, alleys, wharves and piers of their several wards, to such place or places as may be designated by the Superintendent of Streets; and to notice and report to the Corporation Attorney all violations of the ordinances of the city which relate to the cleaning of the streets, wharves, piers and public places; and to render to the Superintendent of Streets,

weekly, an account of the time of the carts and men employed as scavengers, together with an account of the receipts and expenditures connected with their duties ; and generally to perform all the duties required of them by the laws and ordinances of the city now in force, and which are not incompatible with the provisions of this ordinance.

§ 4. It shall be the duty of the several Street Inspectors to carry this ordinance into effect forthwith ; and for this purpose they are hereby authorized to employ a sufficient number of sweepers, at a rate not exceeding one dollar per day for each man, and a sufficient number of carts, at a rate not exceeding two dollars a day for the time they are actually employed, computing the day at ten hours.

§ 5. It shall be the duty of the sweepers and cartmen, to commence their labor in the morning at the hour of sunrise, under the direction of the several Street Inspectors, whose duty it shall be to discharge such sweepers and cartmen as are not faithful in the performance of their duties..

§ 6. The manure and dirt carts employed as aforesaid, shall be constructed under the direction of the City Inspector, and of such dimensions as he may direct, and shall be tightly boxed and furnished with a cover, to prevent the escape of dust.

§ 7. It shall be the duty of the several Street Inspectors, from the first day of April, to the first day of December, to cause a bell cart to pass at least once a day, Sundays excepted, through all the streets of their respective wards ; and the drivers of the said carts shall, at proper intervals, give notice of their approach by the ringing of a bell, and shall receive such vegetables, offals, or garbage as shall be delivered at the said carts.

§ 8. No dirt, ashes, filth or rubbish, of any kind whatsoever, shall, at any time, be cast or laid in any street, lane or alley of this city, but shall be retained and delivered to the

carts on the days of sweeping, under the penalty of ten dollars for each and every offence.

§ 9. It shall be the duty of the Superintendent of Streets, on the requisition in writing of the several Street Inspectors, to furnish such number of carts and sweepers, as said Street Inspectors may deem necessary, for the performance of their duties.

DOCUMENT NO. VI.

BOARD OF ASSISTANTS.

JUNE 4, 1831.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, JUNE 4, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to publish all acts of the State, relating to the City, under the direction of the Law Committee,

Resolution to pay Bill of Expenses of the election of the Fifteenth Ward, Thirty-one Dollars and fifty cents,

Resolution to pay Thomas D. Howe on account of his salary Five Hundred Dollars,

Resolution to construct under drains or sewers across West street at the lower end of Fulton and Vesey streets,

Resolution for a Well and Pump in Third street between Avenues C and D,

Resolution to stop the communications from distilleries to the public sewers,

Resolution granting to Joseph S. Shotwell until the 15th day of June to remove building on Monroe street,

Resolution to open and regulate Sixteenth street from the Sixth to the Eighth Avenue,

Resolution to discharge John Lambert from a Judgment and Costs,

Resolution in relation to the organization of the Joint Committee on Markets,

Resolution that the Ordinances for the protection of the Battery and Park apply to the Washington Parade and other Public Squares or places that may hereafter be opened,

And seven Ordinances for Correcting Nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. VII.

BOARD OF ASSISTANTS.

JUNE 4, 1832.

Report of the Committee on Alms House and Charity, on the subject of establishing Public Fuel Yards. Ordered to be printed.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Charity and Alms House, to whom was referred the Report of the former Committee, for the purpose of giving a more detailed statement of their views on the propriety of establishing Public Fuel Yards for the benefit of the poorer classes of our citizens,

RESPECTFULLY SUBMIT THE FOLLOWING PLAN

for the consideration of the Board, viz :

1. The two Committees on Charity and Alms House, or a Special Committee from the two Boards shall form a Joint

Committee to hire or procure two suitable yards, one on the North, the other on the East River, for the purpose of storing fuel for the use of the poor during the most inclement season of the year.

2. The Committee shall purchase wood and coal, in proper quanities, at the lowest possible market prices, during the summer season, and shall secure it against any accident by fire with a policy of insurance.

3. The Committee shall appoint one of their number to the office of Treasurer of the Public Fuel Fund, whose duty it shall be to sign all drafts for the payment of fuel, and to receive all monies for the sales thereof; to keep a true account of the receipts and expenditures connected with the purchase and sale of fuel. He shall also keep an order-book, somewhat similar to a blank check book, containing on the margin the names and residences of the several applicants, the amount of fuel sold to each, together with the amount of money received for the same.

4. The Treasurer shall attend at his office on Mondays, Wednesdays and Fridays of each week, between the hours of 10 A. M., and 2 P. M., for the performance of the duties assigned him; and shall deposit on Saturday of each week, in the hands of the City Chamberlain, to the credit of the Committee, all monies received for fuel, &c., and take a receipt for the same.

5. No greater price shall be charged for the fuel than shall be absolutely necessary to meet the expenses incurred, and the interest of the money so invested.

6. The Committee shall place an Inspector of Fuel at each of the yards, during the sale of fuel, whose duty it shall be to deliver it only on the order of the Treasurer.

7. All orders for fuel shall be filed by the Inspectors, and shall be returned to the Treasurer weekly, as vouchers for its delivery.

8. The Inspectors shall receive the usual fees for the inspection of fuel, and no more, on the return of their vouchers.

In consequence of the great and increasing consumption of fuel, occasioned by the rapid growth of our city, this subject is one of importance to our citizens generally, but particularly to the poor.

As wood must inevitably, in a few years, give place to the use of the anthracite coal, your Committee would recommend the purchase of Five Hundred economical cooking stoves, of the pattern now in the office of the Commissioners of the Alms House, for the use of coal, which may be sold at Three Dollars each, and will no doubt be a powerful means of introducing the use of coal more generally among our less wealthy citizens.

Your Committee would also recommend the purchase of One Thousand Tons of Coal and Two Thousand Loads of Wood, as an experiment of the above system, the whole of which will cost about $12,000.

In order to guard against imposition, the Committee suggest the propriety of requiring applicants for fuel to produce a line from the Alderman or Assistant of their respective Wards, or from the Commissioners of the Alms House, that they are suitable persons to receive this intended benefit.

JEREMIAH TOWLE,
GEORGE SUTTON,
SAMUEL DUNSHEE.

DOCUMENT NO. VIII.

BOARD OF ASSISTANTS.

JUNE 4, 1832.

Opinion of the Counsel (R. Emmet) as to the legality of the Sheriff's charge for executing James Ransom. Adopted.

D. D. WILLIAMSON, Clerk pro tem.

I am of opinion that the Sheriff's bill for executing the death warrant upon James Ransom is by law a County charge, and must be paid out of the City Treasury. By the Revised Statutes (Vol. I. p. 385, § 3,) " reasonable compensation to constables *and other officers* for executing process on persons charged with criminal offences, &c, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law" is expressly made a County charge. The hanging of a felon may be said most emphatically to be *executing process on a person charged with a criminal offence;* but whether or not those words ought to apply to such a case, the terms " *other services in relation to*

criminal proceedings, &c., are undoubtedly comprehensive enough to embrace it.

This provision in the Revised Statutes is new, so far as it embraces *other officers* besides constables. The Revisors took it from the first section of "an Act directing the manner in which certain services rendered for the people of this State shall be paid," passed March 31st, 1821, in which reasonable compensation for such services when performed by *constables* is made a County charge. By adding the words "and other officers," they have given it a very extended application, and *Sheriffs* are clearly embraced by it.

I would state that my first impressions in respect to this charge were similar to those expressed by Mr. Tallmadge, the Attorney of the Corporation, in an opinion hastily given by him on this subject, viz: That it was governed by the 76th §. art. 5, title 2d, chap. 12, part 1st, Revised Statutes, (vol. i, p. 380,) which provides "that whenever a Sheriff shall be required by any statutory provision to perform any service in behalf of the people of this State, and for their benefit, which *shall not be made chargeable by law to his County*, or to some officer or other person, his account for such services shall be audited by the Comptroller, and be paid out of the Treasury." I am now fully satisfied however that such a service *is made chargeable by law to the County* where it is performed, and therefore that the above section does not apply to it.

The Revisors, as may be gathered from their notes, intended that section for services of a very distinct character, and which from their very nature must be charges against the State Treasury: for instance, where a Sheriff is required to serve upon a public defaulter a citation from the Comptroller of the State to account. Such services were, before the revision, ordered, by special provision in the Supply Bill, passed April 18th, 1815, to be paid out of the Treasury of the

State, and the Revisors intended by the 76th section above mentioned to make a general provision for all services of that character, when rendered by a Sheriff; but it was not meant to have any reference to a Sheriff's services which are connected with the administration of Criminal Justice, within his County, to which class the present case belongs, and which, as I have above endeavored to show, are County charges.

R. EMMET.

June 4th, 1832.

DOCUMENT NO. IX.

BOARD OF ASSISTANTS.

JUNE 18, 1832.

Communication from the Mayor relative to subjects sent to him for approval. Directed to be filed.

D. D. WILLIAMSON, Clerk, pro tem.

MAYOR'S OFFICE, JUNE 18, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to pay Joseph Raynor Ten Dollars for services rendered in recovering stolen property,

An Ordinance regulating the Cleaning of Streets,

Resolution in relation to securing property of the Corporation, situate at Brooklyn,

Resolution that measures be adopted immediately most likely to give relief to the poor children at the Alms House afflicted with Opthalma,

Resolution to continue Canal street to Walker street,

Resolution in relation to Marshals serving civil process.

WALTER BOWNE,

Mayor.

DOCUMENT NO. X.

BOARD OF ASSISTANTS.

JUNE 18, 1832.

The Annual Communication was received from the Mayor, agreeably to the Amended Charter, giving a general statement of the situation and condition of the City; in relation to its government, improvements, &c., which was directed to be printed for the use of the Members, together with a communication from the Health Officer.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, JUNE 11, 1832.

Gentlemen of the Board of Aldermen and of the Board of Assistants,

The continued and progressive prosperity of the city, whose interests are committed to our care, while it cannot fail to impress our minds with profound gratitude to the

Divine Author of all our blessings, affords the most cheering encouragement to the faithful, vigilant, and prudent discharge of the duties which are before us. During the past year our population has rapidly advanced; our trade has increased; spacious and elegant improvements have extended the limits and beautified the face of our city; the authority of the laws has been respected and sustained, and order and quiet have generally prevailed.

Whilst a frightful disease has pursued its desolating course over a large part of the old world, the health of our community has been remarkably preserved. Notwithstanding the unseasonable weather which has been experienced, at no time have we been more free from epidemics than at the present period; and the bills of mortality during the past spring do not at all exceed the ordinary rate. The Quarantine laws have been carefully and diligently enforced, and every measure which prudence could suggest has been adopted to prevent the introduction of disease from abroad. The anxious apprehension which some time since disquieted the minds of many of our citizens, lest the malady which has ravaged foreign countries, might reach our shores, has yielded in most instances to a confidence in the authorities to whom this branch of our police is entrusted; and to a conviction that all which lies within the compass of human power will be done to avert from our borders so awful a calamity.

The regulations which have been adopted for that purpose, will be particularly detailed to you in the letter of the Health Officer; and such improvements as may be required in the medical police of our city, will necessarily devolve upon the Board of Health.

After all our precautions, it may be the will of Providence that we too in our turn, shall be visited by "the pestilence that walketh in darkness," against the entrance of which the utmost vigilance has in many cases proved unavailing. It is

the part of prudence, therefore, to adopt without delay, every measure which experience has proved useful in mitigating its violence.

With this view, I cannot too earnestly enforce upon your attention, the promotion by every means in your power, of cleanliness in our city.

It is notorious that the condition of our streets and alleys, in this respect, is at the present moment, a subject of reproach with strangers, and of complaint from our own citizens.

The public voice loudly calls for prompt and efficient proceedings in relation to this subject, as essential to the protection of health and life at this alarming crisis ; and I trust that you will not be found backward in responding to the call. To be effectual, the purification should not be confined to the public highways, but should be extended to yards and cellars, and even to the dwellings of the poorer classes of society.

A subject which constantly presents itself to the legislative authorities of every community, and more particularly to those of a populous city, is the prevention of crime. The first step towards the attainment of this object, is to guard as much as possible against evil associations.

A practice in direct opposition to this salutary principle, has too long prevailed with us, which demands your serious consideration, with a view, if possible, to its correction. I allude to the confinement in the same apartments of persons arrested for offences of different grades, both before and after conviction. Our prisons are thus made schools of crime, in which the worst criminals are the teachers.

It is greatly to be feared that many novices in vice, who might otherwise be reclaimed, and become useful members of society, are, by this necessary communication with old offenders, often confirmed in wickedness, and utterly lost to

their friends and the public: even a partial amendment to this evil could not fail to be productive of great benefit to the community.

For the state of the Public and Common Schools, and the suggestion of such measures as their interest are thought to require, I refer you to the report of the Commissioners of the School Fund, which will be made upon that subject. It is with great pleasure I am enabled to state, that these invaluable institutions are in a most prosperous condition, and that very large sums are annually paid for their support.

The details of our City Finances will be laid before you in the Report of the Comptroller. The support of the poor forms so large an item of the public expense, that it argues some considerable defect in the plan which has heretofore been pursued. I am aware of the difficulty and perplexity which attend this branch of political economy, but the matter is of so much importance, as to entitle it to a prominent place in your deliberations: it is very possible that some advantageous change in the mode of providing a maintenance for this class of the community, may suggest itself to your minds. I am strongly of the opinion, that the employment of our paupers in working a farm, or in gardening would be attended with the double advantage of lessening their number, and diminishing the expense of those for whom provision must necessarily be made. The subject is worthy of the most careful examination.

It is doubtless known to you, that a species of Opthalma has for some time prevailed among the children of the Alms House; it will be for you to consider whether some mode cannot be devised of affording relief to the sufferers from this distressing complaint, and whether they might not be benefited by a removal to Blackwell's Island, or by some other change of local situation.

In a former communication I suggested the expediency of making some of the minor offences committed in violation of our city ordinances, misdemeanors, punishable by small fines, to be recovered in a summary manner: time has added strength to my conviction of the necessity of such a course to the proper enforcement of some of our municipal regulations; the daily violation of which ought not to be overlooked —such are the emptying of dirt from carts into the streets; the rolling of wheel-barrows upon the side walks; the driving of carts without license; and a variety of offences of a lighter character, which produce much inconvenience to our citizens, and essentially interfere with the order and cleanliness of the city.

In enumerating the subjects which present themselves to my mind, as meriting your consideration, I should fail in my duty, were I not to call your attention to the recent melancholy disaster, which destroyed many valuable lives, and for a time spread a gloom over our city. I need scarcely say that I allude to the fall of the building at the corner of Fulton and Cliff streets; without pretending to assign the causes which produced this particular accident, or cast censure upon any individual concerned, I cannot but regard the occurence as one which calls for an inquiry whether some new laws ought not to be passed for the security of our citizens against similar casualties.

It affords me much gratification to inform you of the improved condition of that most important branch of our police, the City Watch, upon which the repose of our citizens, and the safety of our property so essentially depend. The persons engaged in this responsible employment have always constituted a highly respectable class of the community; but some individuals among them, of a different character, have been promptly dismissed, and those who are now engaged in that duty, under the judicious arrangements of their captains,

are becoming constantly more useful, and are entitled to confidence and encouragement.

There is one subject remaining, of more than ordinary consequence, which before I close this communication, permit me again most earnestly to urge upon your attention. The project of supplying our city with an abundance of pure and wholesome water, is one to which in my mind the reflection of every year and every month adds increased importance. The practicability of the undertaking has been demonstrated beyond a doubt, after the most careful examination by experienced and scientific engineers; and the recent able Report of a Committee of the Board of Aldermen, contains a body of information and argument which it would seem to me no candid mind can resist; the cleanliness of our city, the health and convenience of its inhabitants, and the security of our property, would all be promoted by the accomplishment of this great object. It is by no means an uncertain experiment. We have before us the examples of all ages and all countries to sanction and recommend the introduction, by artificial means, of this greatest of all luxuries, in which the poor may participate equally with the rich. I feel the strongest confidence that the more the subject is considered the more popular it will become, and that nothing is wanting but the completion of the enterprise to unite all opinions and all voices in its favor. The famous aqueduct, known by the name of New River, by which water is conducted into London, and which traverses a distance of thirty-nine miles, was undertaken and carried on under the most discouraging circumstances. The original value of a share was one hundred pounds, the present value is ten thousand pounds. This fact speaks volumes, and addresses itself most powerfully to those who doubt the expediency of incurring the expense which would attend a smilar undertaking for the benefit of our own city. I repeat the sentiment which I have before

expressed, and which is deeply fixed in my mind, that the body of representatives by which this object is effected, will secure to themselves an imperishable fame, founded in the lively gratitude of the present and future generations.

In conclusion, I beg leave to assure you, that I derive pleasure from the reflection that the suggestions which have now been made upon various topics connected with the good government of the city, which has honored us with its confidence, will be considered and acted upon under the influence of wise and enlightened principles, and whatever may be the issue of your deliberations, it will be the result of a conscientious discharge of duties, and a single regard to the public welfare.

WALTER BOWNE,
Mayor.

Quarantine Ground, Staten Island, June 4, 1832.

Hon. WALTER BOWNE,
President of the Board of Health,

SIR,

That season of the year has arrived when the citizens of a large commercial metropolis like New York, will naturally feel some anxiety and make some inquiry as to what is doing by the authorities to prevent the introduction of disease during the warm months which are approaching. This feeling is at this time much increased by the knowledge of the existence of Cholera Morbus in Europe, and the dreadful

ravages it is at this moment making in Great Britain and France.

Aware of the excited state of the public mind, I feel it my duty to inform you, that as far as I have learned, the introduction of malignant fevers from abroad, is not a more probable event now than for years past. As to the Cholera, it is with much satisfaction I state it, notwithstanding the great number of vessels which have arrived, and the immense emigration from European ports, there has not been the least appearance of any disease bearing the slightest resemblance to Cholera; and if the present course of cleansing and ventilation on shore, of all clothing, bedding, &c., of passengers, and of such description of cargo as is likely to imbibe and retain infection, is persisted in, it is my opinion the disease cannot be introduced through that medium.

The state of the Hospitals at this place is as usual at this season; there are few patients, and no malignant disease, except some cases of small pox. The case of the master of the Brig Onslow from Port Au Prince was of a suspicious character it is true, but I think nothing will occur from it under the precautions which have been used.

I am Sir, with sentiments of respect,

Your obedient servant,

J. S. WESTERVELT,

Health Officer.

DOCUMENT NO. XI.

BOARD OF ASSISTANTS.

JULY 2, 1832.

The Police Committee presented the following Report, together with a Law regulating Hackney Coaches, Carriages, and Stage Coaches; whereupon the Report was adopted and the Law passed, directed to be printed, and sent to the Board of Aldermen for concurrence.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Police, Watch and Prisons, to whom was referred the Resolution on the Law regulating Hackney Coaches, and Carriages, and Stage Coaches, and revising the same,

RESPECTFULLY REPORT,

That your Committee have deliberately and maturely considered the same, and in order to make the Law as complete

as possible, they have had at their meetings, for consultation, the Attorney and Counsel of the Board, and also Mr. H. Storms, the Superintendent; from him they have received much practical information.

Your Committee will here remark, that they have embodied in the present Law as much of the old Law as was deemed necessary and best, and in many cases, introduced entire new sections; and in other sections, have added new matter, not only as an improvement, but for the purpose of making the whole more uniform and consistent throughout.

Your Committee will further remark, that they have in most instances, reduced the several penalties for breaches committed of the several sections of the Law, and they feel assured that the Board will sustain them in it for the following reasons: Because when the penalty or fine, for the breach of the Law is large in amount, the person liable is seldom prosecuted; and when prosecuted, the suit will always be legally contested; and if after occupying the time of the witnesses, court and jurors, the Attorney of the Board should be successful (after one or two adjournments) in obtaining a judgment, the Common Council is certain to be petitioned for the remission of the penalty and costs of the fine imposed, and generally the petitioner's request is granted, on account of the heaviness of the fine, as well as the good and liberal feeling existing in this Board. It is a well known fact, that a large portion of the time of this Board, as well as of their Committees, is consumed by these applications. Your Committee feel satisfied, that there is no other (or better) remedy but to *lessen the fines*, and to compel most rigidly the payment of them, for we consider that the certainty of punishment is more to be dreaded than the law itself.

Your Committee further remark that in all cases where it could be done, they have made the several fines and penalties apply to the drivers as well as owners of Hacks and Stages,

and that they are made personally responsible, and may be prosecuted for the same severally and respectively. It is to be hoped that this will have a good and salutary effect, and prevent the many abuses often received at their hands. In order that the drivers may be better regulated, and compelled to observe a due obedience to the several Laws of this Chapter, we have authorized the Superintendent to bring them to an account, and if necessary, to report them to the Mayor, who has full power to deprive them of their license.

Your Committee, in speaking of the rates of fare, and of distances, will remark that they have, as far as they were capable, equalized the same, and that the whole of the rates have been new modeled, and in all cases put on an equitable scale, or pro rata price for the distance traveled. Much of our time was occupied, and great care observed in doing this, and we have particularized what baggage each passenger shall be entitled to without additional expense. The Law heretofore was silent on this subject, and created much contention, and frequently left it in the power of an ill-natured driver to extort money from the ignorant, and the innocent, and we consider it will be found beneficial as well as satisfactory to all parties.

Your Committee further report, that for the better carrying into execution the Law respecting Stages and accomodation Coaches, and for the better attending to and collecting the several penalties for breaches committed under this title, that a Superintendent be appointed specially for this purpose, and that the sum of $500 be allowed for his services. Your Committee are aware that objections will be made to this office, but when the Board are advised and become acquainted with the fact, that your Committee have, from a sense of duty, increased the charge for each license from one dollar to twenty dollars, that they can richly afford to do so; besides there will be an increase of our revenue, arising out

of a rigid enforcement of the Law, in collecting the fines and penalties for breaches committed: that there is at this time *seventy stages*, or accommodation coaches, which alone will produce $1,400; and that it is the opinion of your Committee, that it will be as much as any one man can do, in attending to and regulating them; that by reason of the great and continual increase of these stages and coaches, there has been a diminution of at least fifty Hackney Coaches within the last year, and it is but reasonable to conclude, as the one continues to increase, the other will lessen in number. That your Committee have as an additional cause, considered the great injury done to our public streets by these heavy accommodation Stages, carrying, in addition to their own weight, at least fifteen passengers, grinding our pavements to powder, which with the diminution of *Hacks*, considered that twenty dollars for each accommodation Coach or Stage License is not too much, and certainly does not bear an average proportion to twelve dollars and a half, the charge for each Hackney Coach License, the latter carrying but four passengers.

Your Committee will conclude this Report, with one general remark, that they have, as far as was in their power, remedied most of the evils and defects heretofore complained of, and particularly those of a practical and every day occurrence, and they feel persuaded that the law now presented, although far from being perfect, is materially changed for the better, and will receive the approbation of this Board. Your Committee therefore recommend the following Resolution:

Resolved, That the Law hereunto annexed, regulating Hackney Coaches, and Carriages, and Stage Coaches, be adopted.

D. BANKS,
CHARLES G. FERRIS,
PETER S. TITUS.
Police Committee.

A Law to regulate Hackney Coaches and Carriages and Stage Coaches.

TITLE I.

Of the Licensing of Owners of Hackney Coaches.

§ 1. Owners of Hacks to be licensed.
2. Qualifications of owners.
3. Owners to be examined on oath.
4. Licenses when to expire.
5. Applicants for renewal of licenses to be examined.
6. Contents of license.
7. Sum to be paid for license.
8. Penalty for keeping Hack without license.

§ 1. The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows: The Mayor of the City of New York for the time being, shall from time to time issue licenses under his hand and seal, to so many and such persons as he shall think proper, to keep Hackney Coaches and Carriages for hire in the said city, and to revoke all or any of the said licenses.

§ 2. No person who is not a citizen of the United States, a resident of this city for the last six months, of the age of twenty-one years and upwards, and the owner of two good horses, and a sufficient Hackney Coach or Carriage, over and above all debts due by him, shall be licensed by him as aforesaid.

§ 3. The Mayor of the said city shall administer to any person applying for a license, an oath or affirmation, and shall examine such person orally, touching his said application and qualifications to receive said license.

§ 4. All licenses to the owners of Hackney Coaches and Carriages shall expire on the first Monday of June next after the date thereof.

§ 5. No licensed person shall be entitled to have his license renewed, unless he shall make it satisfactorily appear on oath as aforesaid, that he still owns over and above all his debts two good horses and a sufficient and proper Hackney Coach as aforesaid.

§ 6. Every license shall state the number of the carriage for which the same is granted.

§ 7. Every person who may be licensed as aforesaid, shall pay to the Mayor, for the use of the city, for each Hackney Coach or Carriage, which such person shall keep for hire, the sum of twelve dollars and fifty cents.

§ 8. Every person who shall keep or drive any Hackney Coach or Carriage for hire in the city of New York, without being first licensed as aforesaid, shall be liable to the penalty of fifty dollars for every such offence.

TITLE II.

Of the Licensing of Drivers of Hackney Coaches.

§ 1. Drivers of Hacks to be licensed.
2. When licenses to expire.
3. Fees for license.
4. Penalty for driving without license.
5. Penalty for permitting an unlicensed driver.

§ 1. The Mayor of the city of New York shall have full power and authority, from time to time, to issue licenses un-

der his hand and seal, to so many and such persons as he may think proper, to drive Hackney Coaches and Carriages, and at pleasure to revoke all or any of the said licenses.

§ 2. All licenses to the drivers of Hackney Coaches, or Carriages shall expire on the first Monday in June next after the date thereof.

§ 3. Every driver of a Hackney Coach or Carriage, shall, on receiving his license, pay to the Mayor of the city of New York, for the use of the said city, the sum of one dollar.

§ 4. No person shall drive any Hackney Coach or Carriage, without being at the time licensed as aforesaid, under the penalty of five dollars for each offence.

§ 5. No owner of any Hackney Coach or Carriage, shall suffer or permit any person to drive such Hackney Coach or Carriage, who is not licensed as aforesaid, under the penalty of ten dollars for every such offence.

TITLE III.

Of the Rates and Prices of Fare.

§ 1. Rates of fare to be taken.
2. Disagreements by whom to be arranged.
3. No pay unless hack numbered and rates fixed.
4. No pay if more than legal fare demanded.
5. Upon trial plaintiff shall prove that rates were fixed.
6. Penalty for asking more than legal fare.

§ 1. The prices or rates of fare to be taken by or paid to the owners or drivers of Hackney Coaches or Carriages shall be as follows, to wit :

1. For conveying a passenger any distance not exceeding

one mile, twenty-five cents ; and for every additional passenger, twelve and a half cents.

2. For conveying a passenger any distance exceeding a mile, and within two miles, fifty cents ; and for every additional passenger, twenty-five cents.

3. For conveying a passenger to the New Alms House, and returning, seventy-five cents ; and for every additional passenger, and returning, thirty-seven and a half cents.

4. For conveying one passenger to Fortieth-street, and remaining half an hour and returning, one dollar ; and for every additional passenger, twenty-five cents.

5. For conveying one passenger to Sixty-first street, and remaining three quarters of an hour, and returning, one dollar and fifty cents ; and for every additional passenger, thirty-seven and a half cents.

6. For conveying one passenger to Eighty-sixth street, and remaining one hour, and returning, two dollars ; and for every additional passenger, fifty cents.

7. For conveying one or more passengers to Harlaem and returning, with the privilege of detaining the carriage three hours, four dollars.

8. For conveying one or more passengers to Kingsbridge and returning, with the privilege of keeping the carriage all day, five dollars.

9. For the use of a Hackney Coach or Carriage by the day, with one or more passengers, five dollars.

10. For the use of a Hackney Coach or Carriage by the hour, with one or more passengers, with the privilege of going from place to place, and of stopping as often as may be required, as follows, viz.—for the first hour one dollar, for the second hour seventy-five cents, and for every succeeding hour fifty cents.

11. In all cases where the hiring of a hackney coach or carriage is not at the time thereof specified to be by the day or hour, it shall be deemed to be by the mile.

12. For children between two and fourteen years of age, half price is only to be charged; and for children under two years of age no charge is to be made.

13. Whenever a hackney coach or carriage shall be detained excepting as aforesaid, the owner or driver shall be allowed after the rate of seventy-five cents for an hour, thirty-seven and a half cents for each and every subsequent hour, and so in proportion for any part of the first and subsequent hour which the same may be so detained.

14. For attending a funeral within the lamp and watch district, two dollars, and to the Potter's Field, three dollars, which charges shall include for the necessary detention and returning with passengers.

§ 2. In case of disagreement as to distance, or price, the same shall be determined by the Mayor or Superintendent of Hackney Coaches and Carriages.

§ 3. The owner of any hackney coach or carriage shall not demand or receive any pay for the conveyance of any passenger, unless the number of the carriage and the rates and prices of fare shall be fixed and placed in the manner hereinafter directed by section second of title fourth of this Law, at the time such passenger may be conveyed in such carriage.

§ 4. The owner or driver of any hackney coach or carriage shall not be entitled to recover or receive any pay from any person, from whom he shall have demanded any greater price or rates than he may be authorized to receive as aforesaid.

§ 5. Upon the trial of any cause commenced for the recovery of any of the aforesaid prices or rates, it shall be incum-

bent upon the plaintiff or plaintiffs, in such action, to prove that the number and prices or rates where placed and fixed in pursuance of the provisions of this law, at the time the services were rendered, for which the suit may be brought.

§ 6. No owner or driver of any hackney coach or carriage in the city of New York, shall ask, demand, or receive any larger sum than he or they may be entitled to receive as aforesaid, under the penalty of ten dollars for every such offence, to be sued for and recovered from the owner, or owners, or driver of any such hackney coach or carriage, severally and respectively.

TITLE IV.

Of the Regulating and Numbering of Hacks.

§ 1. Hacks to be marked and numbered.
2. To be furnished with lamps with the numbers thereon.
3. Penalty for not numbering and furnishing with lamps.
4. Rates to be fixed or placed.
5. Penalty for refusing employment.

§ 1. Every hackney coach or carriage which shall resort to or come upon any of the stands hereinafter designated, or which shall be found waiting for hire at a place other than the house or stable of the owner thereof, shall be marked and numbered in the manner following, that is to say—

The number of the license of the owner thereof shall be fixed in plain legible brass figures, of at least two inches in length, and a quarter of an inch thick, on each side of the rocker immediately under the doors of the carriage; and on the outside thereof, and in the rear of the driver, in such place and manner as shall be designated and approved by the Superintendent of Hacks.

§ 2. Every hackney coach or carriage, when driven or used in the night, shall have fixed upon some conspicuous part of the outside thereof, two lighted lamps with plain glass fronts and sides, and having the number of the license of the owner of such hackney coach or carriage in plain legible figures, of at least two inches in length, and no other figure or device, painted with black paint, upon each of the said lamps, in such a manner that the same may be distinctly seen and known, when the said hackney coach or carriage may be standing or driving.

§ 3. Any person or persons who shall keep or drive such hackney coach or carriage, in violation of any or either of the preceding provisions of this title, shall forfeit and pay for every such offence, the sum of ten dollars, to be sued for and recovered from the owner or driver thereof severally and respectively.

§ 4. There shall be fixed in every hackney coach or carriage, in such a manner as can be conveniently read by any person in the same, a card containing the name of the owner of said carriage, the number of his license, and the whole of the third title of this act, printed in plain legible characters.

1. Every driver or owner of such hackney coach or carriage shall, when required so to do by any passenger in such hackney coach or carriage, exhibit to such passenger a card in every respect similar to the one above mentioned and described in this section.

2. Any person who shall violate any or either of the provisions of this section, shall forfeit and pay for every such offence, the sum of ten dollars, to be sued for and recovered from the owner or driver of such hackney coach or carriage, severally and respectively.

§ 5. No owner or driver of any hackney coach or car-

riage, whilst on any of the stands hereinafter designated, or whilst waiting for employment at any place other than at the house or stable of the owner thereof, shall refuse or neglect to convey any person or persons to any place or places on the island of New York, upon being applied to for that purpose, and on being tendered the fare for the same, under a penalty of ten dollars for every such refusal or neglect, to be sued for and recovered from the owner or driver of any such hackney coach or carriage, severally and respectively.

TITLE V.

Of the places at which Hacks may stand for Hire.

§ 1. Hack stands designated.
2. The Mayor, &c., to designate further stands.
3. Penalty for waiting for hire at other places.

§ 1. Hackney coaches and carriages may stand waiting for employment at all times, Sundays excepted, at the stands herein named that is to say:

1. On the northerly side of Chatham street along the Park.

2. In Broadway, around the Bowling Green.

3. In Barclay street, west of Washington street.

4. In Pearl street, at Hanover Square.

5. In Maiden Lane, south-east of Pearl street.

6. In Murray street, between Washington street and West street.

7. In Hudson street, along St. John's Park.

8. In Beekman street, south-east of Pearl street.

9. In Hudson street, near the Little Park.

10. In Reed street, West of Washington street.

11. In Canal street, west of Washington street.

12. In Chatham Square.

13. In Grand street south-east of ——— street.

14. In Catharine street, south-east of Cherry street.

15. On the northerly side of Canal street, east of Broadway.

16. On the southerly side of Courtlandt street, west of Washington street.

§ 2. The Mayor of the city of New York, with the advice and consent of the Alderman and Assistant of each ward, may, from time to time, designate such other place or places in each ward, as they shall deem proper, at which hackney coaches and carriages may stand waiting for employment.

§ 3. The owner or driver of any hackney coach or carriage which shall stand waiting for employment at any other time or place than herein are designated or may be designated as aforesaid, shall forfeit, and pay for every such offence, the sum of ten dollars, to be recovered from the owner or driver thereof, severally and respectively,

TITLE VI.

Of Special Hackney Coaches or Carriages.

§ 1. Special hacks how licensed.
2. Fees for license.
3. License when to expire.
4. Not to use public stands.
5. Shall be duly inspected.
6. Provisions of certain sections to apply to special hacks.

§ 1. The proprietor of any hackney coach or carriage who does not intend to come upon and use the public stands with

such hackney coach or carriage, shall, at the time of applying for a license for the same, state in writing to the Mayor, such intention ; and thereupon, a special license may be granted in the discretion of the Mayor to such proprietor.

§ 2. For every such special license granted by virtue of the provisions of this title, shall be paid the sum of twenty dollars.

§ 3. Every such license shall expire on the first Monday of June next after the date thereof, and may be renewed on application for such purpose.

§ 4. No hackney coach or carriage which shall be specially licensed by virtue of the provisions of this title, shall make use of or come upon or stand or wait for employment in any of the public stands or at any other place in the city of New York, except upon the premises of the owner thereof, under a penalty of ten dollars for every such offence, to be recovered from the owner or driver thereof, severally and respectively.

§ 5. The Superintendent of Hacks, shall at all reasonable times, have free access to such hackney coaches and carriages within the premises of their several proprietors, as shall be necessary to the performance of his duties, under a penalty of ten dollars upon each and every person who shall obstruct, disturb or molest the said Superintendent, whilst in the discharge of his duties as aforesaid.

§ 6. The several provisions and penalties of sections 2d, 3d and 5th, of title 1st of this act, shall in all and every respect, apply to hackney coaches and carriages, which may be licensed by virtue of the provisions of this title, and the owners and drivers thereof, severally and respectively.

TITLE VII.

Of the Superintendent of Hackney Coaches and Carriages.

§ 1. Superintendent of hacks appointed.
2. His duties and powers.
3. Penalty for disobeying his orders.
4. Superintendent to report offenders.
5. He shall arrange hacks on the stands.
6. His salary.

§ 1. A suitable and proper person shall be appointed by the Common Council, who shall be known and called the Superintendent of Hackney Coaches and Carriages.

§ 2. It shall be the duty of the said Superintendent of Hacks, to visit the public stands, and all place where hackney coaches and carriages are permitted to stand : he shall have power and authority to order away from the stands and from all other places, any hackney coach or carriage not provided with a number, or with lamps fixed up, lighted and numbered as herein before required, or not furnished with proper and suitable harness and horses, or if the same, in his opinion, should be improperly obstructing the way, or street, or if the horses attached thereto are unruly, or if the driver or person having charge of any such hackney coach or carriage is intoxicated, or in any manner misbehaves himself.

§ 3. If any person having charge of any such hackney coach or carriage, shall refuse or neglect to obey any such order of the said Superintendent, he or they shall forfeit and pay for every such offence the sum of ten dollars, to be recovered from the owner or driver of every such hackney coach or carriage, severally and respectively.

§ 4. It shall be the duty of the said Superintendent of Hacks, to see that all the laws regulating hackney coaches and carriages, are in every respect complied with : and it is

particularly enjoined upon the said Superintendent of Hacks that he report all offenders thereof to the Attorney of the Corporation.

§ 5. The Superintendent of Hacks, under the direction of the Mayor, shall determine the number of coaches or carriages for any particular stand, and he shall also designate the coaches or carriages which shall wait for employment at any particular stand; and also the proper boundaries and limits of every stand.

§ 6. The said Superintendent of Hacks shall be paid for his services, the sum of eight hundred dollars per annum.

TITLE VIII.

Of Licensing Stage or Accommodation Coaches.

§ 1. Stage coaches to be licensed.
2. Qualifications of owners of stage coaches.
3. Licenses when to expire.
4. Contents of license.
5. Fees for license.
6. Penalty for driving without license.
7. Certain provisions to apply to stages.

§ 1. The Mayor of the city of New York, for the time being, shall from time to time, issue licenses under his hand and seal, to so many and such persons as he shall think proper to keep accommodation coaches or stages or stage coaches, for the conveyance of passengers from any part of the city to the southward of Fortieth street to any other part of the said city south of said street, for hire or wages.

§ 2. No person unless he be a citizen of the United States, a resident of the city of New York for the last six months, of

the age of twenty-one years and upwards, and the owner of two good horses, and a sufficient accommodation stage or stage coach, over and above all debts due by him, shall be licensed as aforesaid.

§ 3. All licenses granted by virtue of this title, shall expire on the first Monday in July next, after the date thereof, and shall be renewed by the Mayor on application.

§ 4. Every license granted by virtue of the provisions of this title, shall state the number of the accommodation coach or stage for which the same is granted, and a separate license shall be taken out for every accommodation stage or coach.

§ 5. Every person licensed by virtue of the provisions of this title, shall pay to the Mayor of the city of New York, for the use of the city, for every accommodation coach or stage, or stage coach which such person shall keep, the sum of twenty dollars.

§ 6. No person shall keep or drive for hire or wages in the city of New York, any accommodation coach or stage or stage coach, by whatever name or title the same may be known or designated, without being licensed as aforesaid, under the penalty of fifty dollars for every such offence, to be recovered from the owner or owners or driver thereof, severally and respectively.

§ 7. The provisions and penalties of the several sections of this chapter, regulating hackney coaches, shall apply in every respect, to all accommodation stages or coaches, or stage coaches, which shall or may be licensed by virtue of the provisions of this title.

TITLE IX.

Of the places at which Accommodation Stages or Stage Coaches may stand waiting for hire.

§ 1. Stands for stages.
2. Certain stages to stand in Nassau and Broad streets.
3. May stop at corner of Pine and Nassau streets.
4. Certain stages to stand in Wall street.
5. Penalty for standing elsewhere.

§ 1. Accommodation stages or coaches or stage coaches, may stand waiting for hire or employment at all times, Sundays excepted, at the stands herein named, to wit:

§ 2. All those stages or coaches which run or ply between Wall street and Greenwich Village, may stand for the purpose of receiving passengers, on the westerly side of Nassau street, between Wall street and Pine street, and on the westerly side of Broad street, at its junction with Wall street.

§ 3. The stage coaches or carriages named in the second section of this title, may, from time to time, in their passage northward from the said stand, call at the south-westerly corner of Nassau street and Pine street, to take up and receive passengers; provided that no such stage, coach or carriage shall remain or stand at the said corner, longer than five minutes at any one time.

§ 4. All those stages or coaches which run from Wall street in Broadway above Canal street, may stand, for the purpose of receiving passengers, on the southerly side of Wall street, between William street and Nassau street.

§ 5. If any stage or accommodation coach or carriage shall be allowed to stand for hire or employment in any other street or place, or for any longer time than is specified in the third section of this title, the owner or driver thereof

shall forfeit and pay, for every such offence, the sum of five dollars, to be sued for and recovered from the owner or driver thereof, severally and respectively.

TITLE X.

Of the Regulation of Accommodation Stages or Stage Coaches whilst upon the stand, or whilst moving from one part of the stand to another.

§ 1. Stages to take the rear of the stand.
2. Stages not to leave stand out of their order.
3. Not to stand abreast.
4. Not to leave stand within five minutes of each other.

§ 1. Every stage coach or carriage named or referred to in the ninth title of this chapter, shall on returning to the stands mentioned in the said title, take its station in the rear of the stage coaches or carriages, then occupying the stands; and each stage coach or carriage, when leaving the said stand, shall wait for its turn in the order in which it arrives on said stand, under a penalty for a violation of either of the provisions of this section, of ten dollars, to be sued for and recovered from the owner or driver thereof, severally and respectively.

§ 2. No stage coach or carriage occupying either of the stands mentioned in the ninth title of this chapter, shall, for the purpose of taking and conveying passengers, leave the stand or place which it occupies until its turn, under the penalty of five dollars for every offence, to be sued for and recovered from the owner or driver thereof, severally and respectively.

§ 3. No stage coach or carriage, whilst upon, at or near either of the said stands, shall stand abreast, or along side of any other stage coach or carriage, under the penalty of five dollars for every offence, to be sued for and recovered from the owner or driver thereof, severally and respectively.

§ 4. No stage coach or carriage shall leave the stands designated in title ninth of this chapter, until five minutes shall have elapsed after the departure of the stage coach or carriage immediately preceding, under a penalty of five dollars, to be sued for and recovered from the owner or driver thereof, severally and respectively.

TITLE XI.

Of the Regulation of Accommodation Stages or Coaches or Stage Coaches, while going or driving.

§ 1. Rate at which stages may drive.
2. Stages when going not to pass each other.
3. Provisional exception.
4. Not to stop for passengers before getting into Broadway.

§ 1. The owner, or driver, or person having charge of any accommodation stage or stage coach, shall not drive, or suffer, or permit the same to be driven in the city of New York, at greater speed than at the rate of five miles an hour, under the penalty of five dollars for every such offence, to be recovered from the owner or driver, or person having charge thereof, severally and respectively.

§ 2. The owner, or driver, or person having charge of any accommodation stage or stage coach, shall not, on any street, road, or avenue or highway in the city of New York,

pass, or attempt to pass with the same, any other accommodation stage or stage coach, which shall be driving or going the same route or direction, or going on the same street, road, or way, at the rate or speed of not less than four miles an hour, under a penalty of ten dollars for every such offence, to be recovered from the owner, or driver, or person having charge thereof, severally and respectively.

§ 3. The last preceding section shall not be deemed to prevent the passing of any accommodation stage or stage coach, which shall have stopped for the purpose of taking in or letting out a passenger or passengers, or for any other purpose.

§ 4. No accommodation stage or stage coach shall, after having started on its route from Wall street, or from the corner of Nassau street and Pine street, stop to take in any passenger until it shall have got into Broadway, under the penalty of five dollars for every offence, to be recovered from the owner or driver severally and respectively.

TITLE XII.

Of the appointment of a Superintendent of Accommodation Stages or Stage Coaches.

§ 1. Superintendent of stage coaches appointed.
2. His duties and powers.
3. Penalty for neglecting his orders.
4. He shall report offenders.
5. He shall fix the stages for certain stands.
6. His salary.

§ 1. A suitable person shall be appointed by the Common Council, who shall be known as and called "the Superintendent of Stage Coaches."

§ 2. It shall be the duty of the said Superintendent of Stage Coaches, to visit the stands designated in title ninth of this chapter, and such other places as may by law be designated as standings for stages. He shall have full power and authority to order away from the stands, any coach or stage not provided with proper and sufficient horses or harness; or if the horses attached thereto are unruly; or if the driver or person having charge thereof is intoxicated, or in any manner misbehaves himself.

§ 3. If any person or persons having charge of any such stage or coach, shall refuse or neglect to obey any such order of the said Superintendent of Stages, he or they shall forfeit and pay for every such offence, the sum of five dollars, to be recovered from the owner or driver thereof, severally and respectively.

§ 4. It shall be the duty of the said Superintendent of Stages to see that all the laws, regulating accommodation stages and coaches are in every respect complied with: And it is particularly enjoined upon the said Superintendent that he report all offenders thereof to the Attorney of the Corporation.

§ 5. The Superintendent of Stages, under the direction of the Mayor of the City of New York, shall determine the number of coaches or stages for any particular stand; and he shall also designate the proper boundaries and limits of every stand.

§ 6. The said Superintendent of Stages shall be paid for his services the sum of five hundred dollars per annum.

TITLE XIII.

Miscellaneous provisions of a general nature.

§ 1. Drivers regulated.
2. Hacks shall convey certain articles without charge.
3. Mayor &c., to make further regulations.
4. Penalty for disobeying the same.
5. Certain provisions to apply to sleighs.
6. Driver &c., to give his name and number.

§ 1. No person, whether driver or owner of any hackney coach or accommodation stage coach, while waiting for employment at either of the said stands, shall snap or flourish his whip, or shall leave the seat of such coach or carriage under the penalty of five dollars for every such offence, to be recovered from the owner or driver thereof, severally and respectively.

§ 2. Every driver or owner of a hackney coach or carriage shall carry, transport and convey in and upon his coach or carriage, in addition to the person or persons therein, one trunk, valise, saddlebag, carpet bag, portmanteau, box, bundle, basket, or other articles used in travelling, if he be requested so to do, without charge or compensation therefor, but for every trunk or other such article as above named, more than one, he shall be entitled to demand and receive the sum of six cents, if conveyed within the distance of one mile, and if more than one mile, the sum of twelve and a half cents.

§ 3. The Mayor of the city of New York, with the assistance of the Superintendent of Hacks, and by and with the consent of the Alderman and Assistant of each ward respectively, shall have full power and authority to make such rules and regulations, and give such order respecting the standing of hackney coaches and carriages at and near

the theatres and other places of amusement at night, and at and near steamboats, and other vessels, at all times, and also respecting the standing of accommodation stages or coaches, or stage coaches, at and upon the stands designated and specified for such coaches or stages as may be necessary to preserve order and decorum.

§ 4. Every person or persons, who shall neglect to obey any of the said rules, regulations, or orders, shall forfeit and pay for every such offence, the sum of five dollars, to be recovered from the owner or driver of any such hackney coach or carriage, severally and respectively.

§ 5. All the provisions and penalties of this chapter shall apply to the sleighs which shall come upon and use the stands hereinbefore designated, and to the owner, or owners, or driver thereof; and shall also apply, in all respects, to sleighs which shall be driven and used for the conveyance of passengers in the city of New York for hire or wages, except that the sleighs shall not require lamps.

§ 6. Every owner, driver or person having charge of any hackney coach, carriage or accommodation coach, or stage, shall, upon being requested so to do, give to any person or persons the number of his coach or stage, the name of the owner thereof, and his place of abode, the name of the driver thereof, and his place of abode; and in default thereof, shall forfeit and pay the sum of ten dollars, to be sued for and recovered from the owner or driver of such coach or stage, severally and respectively.

DOCUMENT NO. XII.

BOARD OF ASSISTANTS.

JULY 16, 1832.

Message from the Mayor relative to subjects referred to him for approval. Accepted, and ordered to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, JULY 16, 1832.

I have approved and signed,

Resolution that Amity Lane be opened from Broadway to Sullivan street, and Thomas Cotterell appointed Collector —and Resolution relating to Fifth street, between Mercer and Wooster streets,

Ordinance to prevent Swine and Neat Cattle from running at large,

A Law to amend the Law regulating the Cleaning of the Public Streets of the City of New York,

Resolution relative to Salaries of Comptroller, Collector of City Revenue, and Clerks of Ward Courts,

Resolutions in favor of granting petitions of Abijah E. Reed, G. G. Willis, and Andrew McGuire, from the payment of erroneous taxes,

Resolution that side walks of Seventh Ward, north of Water street, and west of Walnut street be paved,

Resolution appropriating Two Hundred and Fifty Dollars for a Clock and Lamps for Room of the Board of Assistants,

Resolution in favor of paying Cornelius Myers, Keeper of Potters' Field, Eighty-one Dollars and seventy-five cents, for burying Dogs,

Resolution to pay Jacob Westervelt, Sheriff, the sum of One Hundred and Twenty-two Dollars, fifty cents, for executing Death Warrant, &c., on James Ransom,

Resolution referring petition of John Smith and others, for a Well and Pump in Fourth street, to the Alderman and Assistant of the Ffteenth Ward, and Street Commissioner,

Resolution in favor of constructing Drain across West street, and south side of Courtlandt street,

Resolution referring petition of Henry Rankin and others, to erect Iron Railing in front of houses in Sixth street, to the Alderman and Assistant of the Fifteenth Ward.

Resolution approving of sureties of Inspectors of the 1st 4th, 5th, 6th, 7th, 8th, 10th, 11th, 13th, and 14th Wards,

Resolution transferring Stall, No. 21, Catharine Market, to William Sembler,

Resolution that the Comptroller pay such sums of money as may from time to time be required by the Superintendent of Cleaning Streets, not at any one time to exceed Two Thousand Dollars,

Resolution that the account of Levi Disbrow, amounting to

Five Hundred and eighty-two Dollars, for boring for water at the corner of Grand and Mangin streets, be paid out of the City Treasury, and not assessed on the inhabitants in the vicinity,

Resolution that the Superintendent of Lamps place Lamps, under the direction of the Aldermen and Assistants of, in the Eleventh and Fifteenth Wards,

Two Reports from the City Inspector of Ordinances—one of two and one of seven—for Correcting Nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XIII.

BOARD OF ASSISTANTS.

JULY 23, 1832.

Communication from the Mayor relating to subjects referred to him. Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, JULY 23, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution appropriating Ninety-five Dollars, eighty-four cents, for Reservoir, and for Slating Roof of Old Alms House, (excess of bills over former appropriation,)

Ordinance for Four Thousand Dollars to be paid House of Refuge, in conformity with an Act of the Legislature,

And two Special Ordinances for Correcting Nuisances.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XIV.

BOARD OF ASSISTANTS.

JULY 30, 1832.

Message from the Mayor on subjects sent to him for approval.
Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, JULY 28, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution that Eighteenth street be regulated and paved from Seventh to Tenth Avenue,

Resolution to pay Isaac C. Osborn Fifty-one Dollars as Street Inspector of the Fifteenth Ward,—from 3d May to 6th of June,

Resolution to pave side walks in Hammersley street from Houstoun to Varick street,

Resolution to have a map of property near the Five Points made,

Resolution to regulate and pave Lewis street from Fourth street to Eighth street,

Resolution that Third Street from its present termination near Lewis Street, be filled and regulated to a point 37 feet east of Mangin street,

Resolution that curb and gutter stones, be placed in Stuyvesant and Tenth streets, between Second and Third Avenues, and that the side walks be laid,

Resolution in relation to removing pauper children afflicted with opthalma,

Resolution in relation to fees usually collected from women occupying stands for sale of vegetables,

Resolution to regulate and pave Front street from Montgomery to Walnut street,

Resolution to regulate part of Sixteenth, Seventeenth, Eighteenth and Nineteenth streets,

Resolution permitting Susan Ackerman to place an Iron Pipe in West street,

Resolution that a Lease for a Lot of Ground be executed and delivered to Peter D. Myers,

And four Reports, with thirteen Ordinances for Correcting Nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XV.

BOARD OF ASSISTANTS.

AUGUST 6, 1832.

Report of Committee on Public Lands and Places on the subject of the Catholic Burying Ground. Report adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Public Lands and Places, to whom was referred the annexed Documents in relation to the Catholic Burying Ground,

RESPECTFULLY REPORT,

That they have given to the subject their mature deliberation and have arrived at the conclusion that it is inexpedient to convey to the Board of Trustees of St. Patrick's Cathedral any portion of the Public Ground as a burial-place, as it appears by a communication from the Rector of said Cathedral to the Hon. Walter Bowne, that they are making every exer-

tion to procure a suitable site for a burial-ground, and believe that they will soon obtain one.

Your Committee are therefore of opinion that it is inexpedient for the Common Council to act upon this subject at this time, and would respectfully offer the following resolution :

Resolved, That the Committee be discharged from any further consideration of the subject.

All which is respectfully submitted,

FRANCIS FICKETT,
THOMSON PRICE.

DOCUMENT NO. XVI.

BOARD OF ASSISTANTS.

AUGUST 11, 1832.

Communication from the Mayor relative to subjects referred to him. Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, AUGUST 11, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to amend Ordinance relating to employing the Poor,

Ordinances for a Well and Pump in Twentieth street, the like in Sixteenth, Seventeenth and Eighteenth streets,

Ordinances in relation to Stuyvesant street, Third street, Tenth street, Lewis street, Eighteenth street, Hammersley street, and Avenue A,

Resolution appropriating One Thousand Dollars to print the State Laws relating to the City,

And three Ordinances for Correcting Nuisances.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XVII.

BOARD OF ASSISTANTS.

AUGUST 13, 1832.

Report of the Comptroller relative to building a Watch House and Market. Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

The Comptroller respectfully reports to the Common Council,

That by their resolutions approved by the Mayor, October 27, 1831, the Committee on Fire and Water were directed to procure Estimates for erecting a building at the corner of Delancey and Attorney streets, and to report the same to the Common Council—that on the 15th of March, 1832, the said Committee directed the Commissioners to advertise for Estimates for erecting said building, and to report the same to the Common Council.

Also, that by resolution of the Common Council, approved

by the Mayor April 27, 1832, it was "*referred* to the Fire and Building Department to advertise for Estimates, under the direction of the Market Committee, for erecting one or more Market houses on the ground at the intersection of Sixth Avenue and Greenwich Lane, &c."—that on the 29th June, 1832, the Market Committee resolved to build a Market on said ground, and directed the Superintendent of Buildings do advertise for Estimates, the work to be done to his satisfaction.

The annexed Documents have been obtained by the Comptroller, as containing *all* the proceedings of the Common Council relating to those two subjects, and he respectfully craves particular reference to, and examination of, said Documents, for the reason that they have been interpreted as authority to make contracts for the erection of the buildings therein mentioned, which buildings are now in progress of erection, by virtue of the contracts so entered into, and, as the Comptroller humbly conceives, *without the proper authority of the Common Council*, inasmuch as the resolutions of the Common Council before alluded to, are resolutions of reference, and reference *only*, for the acquirement of information relating to subjects on which they were *yet to act* definitively; and that this is their true meaning seems to him manifest from the very terms in which they are couched.

Thus the second resolution, respecting the corner of Delancey and Attorney streets, *expressly* requires that report be made to the Common Council: and, in relation to the Market, the resolution is of itself declaratory of the intention of the Common Council, for its very words are that it be *referred &c., &c.*, which, with the facts that there was no delegation of their power, nor any appropriation for either object, at that time, is deemed conclusive of the determination of the Common Council, that they were *yet* to act on both those subjects prior to any executive proceedings thereon.

The Comptroller is fully aware that this communication, from its very nature, will wear the appearance of desiring to exercise a sort of censorship, and he is therefore particularly solicitious of its being understood as induced by a sense of imperative duty *only*.

Acting in the firm belief that to have the government administered with regularity and efficiency it is indispensably requisite that every Department should implicitly obey the directions received from, and be rigidly confined to the limits prescribed by the Common Council, the foregoing is respectfully submitted by

T. J. WATERS,

New York, August 13, 1832. *Comptroller.*

Documents referred to in preceding Report.

Resolved, That a building be erected on the lot corner of Delancey and Attorney streets, of brick, two stories in height; the lower floor for the accommodation of a Fire Engine, Hook and Ladder Company, Hose Truck, and a Sub-Watch House, the second story to be rented to the best advantage.

Resolved, That the Committee on Fire and Water be directed to procure Estimates for the aforesaid building, and that they report the same to the Common Council.

Adopted by the Board of Aldermen, October 3, 1831.
" " " " *Assistants* " 24, 1831.
Approved by the Mayor, " 27, 1831.

J. MORTON *Clerk.*
Committee on Fire and Water.

Mr. Roome presents plans and specifications for the building corner of Delancey and Attorney streets. Plan approved. Commissioners to advertise for Estimates and report the same to the Common Council.

D. D. WILLIAMSON, Clerk pro tem.

Committee on Fire and Water.

Resolved, That it be referred to the Fire and Building Department to advertise for Estimates under the direction of the Market Committee, for erecting one or more Market Houses on the ground recently purchased for that purpose, at the intersection of Sixth Avenue and Greenwich Lane, and with accommodations in the second story of said building for a Watch House.

Adopted by the Board of Assistants, April 16, 1832.
" " " " *Aldermen, April* 23, 1832.
Approved by the Mayor April 27, 1832.

Copy.

D. D. WILLIAMSON.

Meeting of the Market Committee.

June 29, 1832.

Resolved, That a Market be built on the Lot corner of Greenwich Lane and Sixth Avenue. Adopted.

Plan presented, adopted.

Specification to be submitted to Mr. Woodruff and Mr. Dunshee : after their approval, the Superintendent of Building to advertise for Estimates, the work to be done to his satisfaction.

D. D. WILLIAMSON,
Clerk of the Market Committee.

DOCUMENT NO. XVIII.

BOARD OF ASSISTANTS.

SEPTEMBER 3, 1832.

Message from the Mayor relative to papers referred to him for approval. Directed to be filed.

D. D. WILLIAMSON, Clerk pro tem.

MAYOR'S OFFICE, SEPTEMBER 3, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to transfer Butchers' Stalls, No 35, Catharine Market, to Andrew Lang—No. 4, Gouverneur Market, to Frederick Paff—No. 35, Fulton Market, to Morton Fairchild,

Resolution and Ordinance relating to paving Fourth, Fifth, Sixth and Seventh streets, from Avenue D to Lewis street,

Resolution for a Well in Seventeenth street near the Seventh Avenue,

Ordinance for repaving Cedar street, from Broadway to Greenwich street,

Resolution to supply the Members of the Common Council, and Public Officers, with the Laws of the State passed at the last session of the Legislature,

Resolution for an additional appropriation of Eleven Dollars and fifty cents for furnishing the room of the Board of Assistants,

And nine Ordinances for Correcting Nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XIX.

BOARD OF ASSISTANTS.

SEPTEMBER 5, 1832.

Message from the Mayor relative to papers referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, SEPTEMBER 5, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution appropriating Six Thousand, Five Hundred and Seventy-six Dollars for Market corner of Sixth Avenue and Greenwich Lane,

Resolution to fence certain lots in the Ninth Ward,

Resolution that Stall No. 15, Centre Market, be transferred to Joseph Hill,

And Resolution passed with closed doors on the 3d September.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XX.

BOARD OF ASSISTANTS.

SEPTEMBER 24, 1832.

Report of Street Committee on petition of St. Mark's Church for regulating and paving Stuyvesant and Tenth streets.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the annexed petition from the Rector, Church Wardens and Vestrymen of St. Mark's Church, praying that Stuyvesant and Tenth streets may be regulated and paved between the Second and Third Avenues,

REPORT,

That a previous petition to effect the same object was before this Committee, some time during the last summer. At that time a part of this Committee, seeing the necessity of this work, was inclined to report in favor of the petition. The

Committee now state that the Congregation attending St. Mark's Church are numerous and highly respectable, that these two streets are the leading avenues to the Church, and through which nine-tenths of the Congregation pass on their way to and from the Church. The state of the streets through the winter season and in wet weather is such as to deter many from attending Church, as they are rendered nearly impassable to a pedestrian.

Stuyvesant street is built upon to a considerable extent, and there are also some buildings on Tenth street. The lots in the vicinity of both are regulated, and if the streets were also regulated and paved there would doubtless be a ready accession to the buildings now erected.

This part of the City is increasing in a degree almost unexampled, when reference is had to the number and expense of houses recently erected or now about being commenced.

Your Committee think the petition is not only reasonable, but that it is imperative on the Common Council to grant relief, when the respectability of the petitioners, the interest they represent, and the object to be effected are taken into view. In accordance with which opinion the following resolution is offered :

Resolved, That Stuyvesant street and Tenth street be forthwith regulated and paved, and the side walks laid between the Second and Third Avenues.

WM. W. HOLLY,
Chairman.
JAS. R. WHITING.

DOCUMENT NO. XXI.

BOARD OF ASSISTANTS.

SEPTEMBER 24, 1832.

The Street Commissioner made the following Report, which was ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Street Commissioner, in obedience to the annexed Resolution, requiring him to report his own construction of the powers and duties "vested in him by the Ordinance of October 5th, 1831, creating a Street Commissioner's Department, and whether the present mode of accountability in the Street Commissioner's Department is, in his opinion, the best that can be adopted, and if not, to furnish his views on the subject," begs leave

RESPECTFULLY TO REPORT,

That he has entered into a full examination of the Ordinance of the 5th October, 1831, creating a Street Commissioner's

Department, and also the amendments by an Ordinance of May 2d, 1832.

By the 3d section of the Ordinance of October 5th, above referred to, the duties of the Street Commissioner are therein pointed out, viz: To "Advertise for Estimates for Wells and Pumps, Canals and Sewers, Paving and Re-paving Streets, in constructing Roads, in building Wharves and Piers, and in all cases where expenditures connected with the Street Commissioner's Department are authorized by the Common Council, except in slight repairs; and to report such estimates to the Common Council previous to furnishing contracts."

By the amendment before mentioned, of May 2d, 1832, the duty of reporting the Estimates to the Common Council is changed, and they are referred to the several appropriate Committees, for their approbation.

These powers comprise all the important duties pointed out for the Department, by the Ordinance creating the same. They are all specific and definite, and all require the action of the Common Council, before the Street Commissioner has any power.

The Street Commissioner considers the powers here given to his Department, must be connected with, and conformable to the power granted by the amended Charter of the City, which says, "That no money shall be drawn from the City Treasury, except the same shall have been previously appropriated for the purpose for which it is drawn."

By the Ordinance of October 5, 1831, it is expressly said, that all former Laws and Ordinances relating to the Street Commissioner's Department, not inconsistent with this Ordinance, are still in force. In section xxxv. of the Ordinance of 1827, which is the one referred to above, it says, "That a Committee of the Common Council shall, from time

to time, be appointed; to consist of five persons, to be denominated the Road Committee, whose duty it shall be to examine the state of the public roads or highways in said City, at least once in every month; and to give the overseer, (who is by a previous section the Street Commissioner,) *together with such other persons employed on the roads,* from time to time, such directions as they may think proper, relative to regulating and keeping the same in repair."

The words "*such other persons employed on the roads,*" contain a power of unlimited extent. Although by the re-organization of the two Boards under the amended charter, the Committee instead of five, is to consist of six, viz:—three from each Board, the Street Commissioner does not consider the power and duties of the Road Committee as in any way or manner diminished, or curtailed, under the section above recited; and that they have the power to *employ and direct such other persons* as they think proper to work on the roads from time to time—and the overseer (or Street Commissioner) can only advise upon the plan of such work, under orders emanating from the Committee.

That this is the fair and legitimate construction of the duties of the Road Committee, must be inferred, because there are Members on the Committee who assisted in forming the Law creating a Street Commissioner's Department, and they so construe their own act, and exercise the powers in the same manner they have always done, and the Common Council have very properly sanctioned those acts of the Committee since the creation of the Street Commissioner's Department.

The Comptroller, on the contrary, considering the powers of the Committee are abrogated, and done away, since the creation of the Street Commissioner's Department, and that all responsibility, in relation to expenditure on roads, rests with the Street Commissioner. This construction would be

very unjust toward the Street Commissioner, and the plain principle of justice would be set aside by making an officer responsible for the acts of others, even where he has no control.

The duties of the Street Commissioner, under the Ordinance of October 5th, 1831, are clearly defined, viz :— "That all expenditures, except slight repairs" "shall be by contract." The Committee on Roads are not confined in their duties and powers, and when they sanction an expenditure, such as has been done on the Third Avenue, the Street Commissioner cannot withhold his approval, because he considered the work as necessary and useful ; and although not made under any contract entered into by him, it may have been, and no doubt was done by agreement with the Committee, and the continuation of a bargain made in 1831, between them and the persons who performed the labor.

The Common Council never having given the Street Commissioner authority to make such contracts, nor made any special appropriation before the expenditure, his power under the Ordinance of October 5th, 1831, did not reach the case.

To that part of the resolution which calls upon the Street Commissioner "to give his opinion whether the present mode of accountability is the best that can be adopted, and if not, to furnish his views upon the subject," the Street Commissioner will observe ;—that it appears to have been the intention of the Common Council, in forming Departments, to make them executive—to perform such acts and duties as should, from time to time, be ordered and directed by them. That part of the ordinance directing every thing to be done by contract, justifies this inference ; and this authority, taken in connection with the restriction in the charter, places the whole subject perfectly clear and easily understood how far the Street Commissioner's power extends.

It requires only that the Common Council direct what shall be done by the Street Commissioner, and place the ways and means to execute it, within his control, to apply as the same shall be in the course of execution or be executed, and then the responsibility and accountability rests with him to see it well performed.

Respectfully submitted,

BENJAMIN WRIGHT,

Street Commissioner.

DOCUMENT NO. XXII.

BOARD OF ASSISTANTS.

OCTOBER 8, 1832.

Communication from the Mayor relating to subjects referred to him. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, OCTOBER 8, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution relating to the pay of Sunday Officers,

Resolution for compensating persons bringing Animals to the Public Pound,

Resolution for a Bulkhead from the Wharf at Twenty-third street to the Wharf at Twenty-sixth street,

Resolution for a Bridge at the foot of Hubert street,

Resolution that One Hundred Dollars be appropriated to purchase Fuel for the use of the Debtor's Prison,

Resolution directing the disposition of the appropriation made for the Third Avenue, of Ten Thousand Dollars and for work on the Roads of Three Thousand, Five Hundred Dollars,

A Law to protect Engine Leaders and Hose from injury at Fires,

Ordinances for repaving part of Pine street; for paving side walks of Avenue B, from North to Second street; and for paving side walks in Burton street, from Bleecker street to the Church Lane; for fencing vacant lots in the Ninth, Eleventh and Fourteenth Wards,

Resolution that Two Hundred and Ffty Dollars be appropriated for repairs of Bloomingdale Road,

Resolution that the side walks in Broadway near Fourteenth street, be paved,

Resolution to furnish the revised Statutes and Laws since passed, to certain Officers,

Resolution to supply the Seamen's Retreat and Sailor's Snug Harbor with street manure,

Resolution to pay D. D. Williamson Two Hundred and Fifty Dollars for services as Clerk of the Board of Assistants,

Resolution to remove Buildings in Monroe street,

Resolution appropriating Two Hundred and Fifty Dollars to repair Kingsbridge,

Resolution for a Well in the Eighth Avenue near Seventeenth street,

Resolution to lay side walks in Ninth and Tenth streets, between the Third Avenue and Bowery,

Resolution in relation to a Drain in West street, at the foot of Hoboken street,

Resolution that the salary of David T. Valentine be Five Hundred Dollars per annum,

Resolution to remove nuisances in the rear of houses fronting on Christopher street, between Greenwich Lane and Factory street,

Resolution to repave Essex street, from Division to Grand street,

And Return of Delinquents on sundry Assessments.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XXIII.

BOARD OF ASSISTANTS.

OCTOBER 8, 1832.

Report of the Comptroller, and Opinion of the Counsel of the Corporation, on Construction of the Law relative to Roads. Ordered to be printed, and referred to the Law Committee.

JOHN W. RICHARDSON, Clerk.

REPORT OF COMPTROLLER,

On Construction of the Law relative to Roads.

The Comptroller respectfully represents to the Common Council—

That in a recent interchange of opinion, on the "Law creating a Street Commissioner's Department, &c." he discovered for the first time, that the Street Commissioner and himself construed a portion of the Law essentially different; so much

so, indeed, as in his judgment, to render the interpretation of the Common Council indispensably requisite.

The Street Commissioner is of opinion that the 34th and 35th sections of the Law of 1827, which commit the whole direction and control of the Roads to the Road Committee have never been annulled, but do now continue in full force and effect—that therefore the Law of October 5th, 1831, so far as it relates to Roads, is entirely inoperative on his Department ; and consequently that his approval of the bills for work done on the Roads, is a matter of *mere form* ; involving him in no personal responsibility for their accuracy, in any point of view whatever. He enforces the belief that such has been his construction of the Law, by alleging the fact, that he was not aware of the employment of the men, the number employed, the price to be paid, nor the extent to which the work was to be carried on. He further informs, and desires it to be communicated to the Common Council, that his construction is in conformity with the interpretation of the Counsel of the Board, with regard to the Third Avenue.

The preceding having been submitted to and approved by the Street Commissioner, the Common Council are thus *fairly* put in possession of that officer's views of the subject.

The Comptroller having arrived at, and acted on conclusions diametrically opposed to the foregoing, he feels it incumbent on him to avail of the first occasion to submit these adverse opinions to the Common Council ; and in justice to himself to show, that if the result of his investigation of the matter, be not the true and legitimate meaning of the Law, it is at least reasonable.

The "Law for the appointment of a Street Commissioner," &c., &c., passed 14th of May, 1827, section 34th, says, "That the Street Commissioner shall be the Overseer of the Roads or Highways in the said City, and it shall be his

duty to regulate and keep the same in repair." Section 35th; says, "That a Committee of the Common Council shall, from time to time, be appointed, to consist of five persons, to be denominated the Road Committee; whose duty it shall be to examine the state of the Roads or Highways in the said City, at least once in every month, and to give the said Overseer, together with such other persons employed on the said Roads, from time to time, such directions as they may think proper, relative to the regulating and keeping the same in repair."

The "Law creating a Street Commissioner's Department, &c., approved October 5th, 1831," section 3d, makes it "the duty of the Street Commissioner to take the general charge of viewing and determining, from time to time, whether any, and what improvements or repairs are necessary, and can be made to any of the streets or roads, and to report the same to the Common Council, together with the best mode of doing the same."

The Comptroller is of opinion that the 34th and 35th sections of the Law of 1827, are effectually abrogated in a variety of ways:—for example, when different sections of the same law, or laws of different dates come in collision, it is believed to be a safe, and indeed the generally adopted rule, to construe the last enacted, as the governing section or law, as the case may be. Now apply this principle to the laws in question, and the result must necessarily be, the complete annulment of the 34th and 35th sections referred to. Again—those sections vested with power, and enjoined duties on a Committee, which is not now known, either by name or number, and of course cannot be charged with executive duties. Again—the 6th section of the present Law declares, "That all the Laws and Ordinances heretofore enacted by the Mayor, Aldermen and Commonalty of the City of New York, defining the duties of the Street Commissioner, or *in*

any way relating to the same, which are *not inconsistent* with the provisions of this ordinance, *shall not* be constructed as repealed, modified, or affected thereby; but shall continue and remain in full force."

Now, it is confessedly difficult to imagine what more natural inference can be drawn from the foregoing, than that those Laws or Ordinances which *are inconsistent* with the provisions of the last ordinance, *shall be* construed as *repealed*, &c. But further—the 21st section of Amendments to the Charter, requires that "The executive business of the Corporation of New York *shall* hereafter be performed by distinct Departments, which it shall be the duty of the Common Council to organize and appoint for that purpose."

It will doubtless be observed that this is *imperative*, and the Common Council pursuant thereto, did, on the 5th October, 1831, create *this* executive department, and charged it with the very duties previously performed by the Road Committee under the former organization of the Corporation; but with this difference as to power—that of the Committee was plenary, that of the Department is limited to cases requiring only slight repairs; all else is required to be done by contract, and through the Street Commissioner, whose duties preliminary to finishing contracts, are very particularly defined in the beforementioned 3d section of the Law; consequently, the Committees are relieved from executive duties, until they shall be charged with them by a special act of the Common Council, and, of necessity, the responsibility must be with the Head of the Department, else the intentions of the charter, as well as the Law, are completely frustrated—at least, such is the judgment of the Comptroller.

Being officially informed by the Street Commissioner, that his written approval of the bills, that have been or may be presented for payment, is to be regarded in no other light than as a *mere form*, the Comptroller has decided to postpone

any further payment of such bills for working on the public roads, until he obtains the directions of the Common Council in relation to the same.

Respectfully submitted,

T. J. WATERS,
Comptroller.

New York, June 25th, 1832.

OPINION.

Opinion of the Counsel of the Corporation, on the Comptroller's Report, relative to Roads, &c.

I have attentively considered the communication made by the Comptroller to the Common Council, by which it appears that a difference of opinion exists between him and the Street Commissioner, respecting the duties of the latter officer, in regard to the expenditures for work done on the Roads.

The principal point of disagreement appears to be, whether the 35th section of the Law for the appointment of a Street Commissioner, passed May 14th, 1827, is still in force.

By this section it was ordained, that a Committee of the Common Council should be appointed, to consist of *five* persons, to be denominated the *Road Committee*, whose duty it should be to give the Street Commissioner (as Overseer of Roads,) and all others employed on the Roads, such directions as they might think proper, relative to the regulating and keeping the same in repair. The whole subject was undoubtedly by this section, placed under the control of such Committeee, and no responsibility rested on the Street Com-

missioner in his capacity of Overseer of Roads, except that of obeying such directions as the Committee might give him, or as might emanate directly from the Common Council, in regard to Regulating Roads, and keeping them in repair.

But whatever may now be the duties of the Street Commissioner in respect to Roads, under the Law creating his Department, or any Law amending the same, I am perfectly satisfied that the 35th section of the Law passed 14th May, 1827, is no longer in force ; and that there is no such Committee as that bearing the denomination or charged with the duties specified in that section. Independently of all other grounds for this opinion, it would be enough to say that the section must be strictly construed, such Committee must, by its very appointment, consist of *five* members—neither more nor less, and it must be denominated, *the Road Committee.* Under the new organization of the Common Council, no such Committee *by name or as to number*, has been created by either Board ; and if it had, it still would not have been *a Committee of the Common Council* within the meaning of the section, which had reference to an act of the whole Body *as one Board.* Two Committees, one from each Board, could not, of their own accord, or by acting in concert, from such Committee, as is contemplated by that section, nor can this difficulty be got over by any latitude of construction founded upon what might appear to be the reasonableness or convenience of the matter.

The act to amend the charter, passed in 1830, required that the executive business of the Corporation, should thereafter be performed by distinct departments, and made it the duty of the Common Council to organize and appoint such departments for that purpose. The object of this provision was to take away from Committees, and transfer to executive officers, duties theretofore exercised by the former ; and the Common Council in obedience to it, passed laws creating

distinct departments for the performance of such duties; among which was the law creating the Street Commissioner's Department, and prescribing his duties. Whether that law be perfect in its details or otherwise, it can hardly be doubted that the Common Council intended by it, to comply with the charter, and to invest the Street Commissioner as the head of a department, with the exective powers respecting roads formerly entrusted to the Road Committee.

The duty of the Street Commissioner in respect to roads, is contained in the third section of that law, the greater part of which is an exact copy of the third section of the old Law of 1827: and the substance of all that is new in it in reference to Roads, is, that it is made the duty of the Street Commissioner to advertise for estimates in constructing roads, and to report such estimates to the Common Council, (since altered to the Committee on Roads and Canals,) previous to finishing contracts. In all cases requiring slight repairs, the section contemplates that the expenditure may be made without advertising for estimates or making contracts.

By the last sentence of the section, the Street Commissioner is required to countersign all bills which in his opinion are correct, for *building or repairing the public wharves or piers*, and which are certified by the Superintendent of Wharves and Piers; and to control the expenditures connected with lands and places; but this does not appear to have any reference to bills or expenditures for work done on roads.

It would appear, therefore, that the law creating the Street Commissioner's Department, intended that all work in constructing roads, should thenceforward be done by contract, to be made by the Street Commissioner; and the agency of that office in respect to such contracts, as well as in cases of slight repairs, necessarily requires that he should approve of the bills, and that such approval should not be a matter of mere form involving no responsibility. But I suspect the

difficulty which has occasioned the Comptroller's communication, arose upon bills for work done on the Third Avenue, which was commenced before the passage of the law creating the Street Commissioner's Department, and which has been continued since without reference to any change in the Law: and as mention is made in the Comptroller's communication, of an opinion attributed to me in regard to the Third Avenue, I beg leave to state, to the best of my present recollection, I did sometime since say, probably to the Street Commissioner, that if previous to the creation of the Street Commissioner's Department, a resolution had been passed in Common Council, directing one of its Committees to cause that Avenue to be finished, and the work was going on, the Law creating the Street Commissioner's Department, or any law prescribing a different rule in regard to the working of Roads generally, should not be considered as applying to the work doing on the Third Avenue, until the powers of such Committee had been rescinded by an express resolution for such purpose, and even then, that all contract previously made would be binding, although the work had not yet been done, whether estimates had been advertised for or not. I have no recollection of having ever expressed any opinion but the above, which could have been supposed by the Street Commissioner to have a bearing upon the matter at issue between him and the Comptroller.

Upon the whole, I think the Comptroller has, in his communication, taken a correct view of the duties intended to be put upon the Street Commissioner, by the law creating his department, whatever may be the difficulties in performing them, as respects the roads which had been commenced, but were unfinished when the law was passed.

R. EMMET.

DOCUMENT NO. XXIV.

BOARD OF ASSISTANTS.

OCTOBER 22, 1832.

Message from the Mayor relative to subjects referred to him for approval. Accepted, and ordered to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, OCTOBER 22, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution relating to the building of a Pier at the foot of North Moore street, Hudson River, and appropriating Ten Thousand Dollars for that object,

And forty-five Ordinances for ocrrecting nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XXV.

BOARD OF ASSISTANTS.

OCTOBER 22, 1832.

The Petition, Resolution, and Reports of the Committees on Lamps and Gas, and Special Committee on application of the Manhattan Gas Company, which, together with the accompanying papers, was laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

TO THE HONORABLE THE COMMON COUNCIL OF THE CITY OF NEW YORK.

The Petition of the Manhattan Gas Light Company,

Respectfully showeth,

That your Petitioners were incorporated by an act of the Legislature of this State, passed on the twenty-sixth day of February, in the year one thousand eight hundred and thirty, a copy of which Act is hereunto annexed.

That your petitioners were incorporated for the purpose of supplying the city of New York with Gas, and that in and by the first section of the said Act, your petitioners were authorized "to manufacture, make and sell Gas, &c., and to be used for the purpose of lighting the City of New York, or the streets thereof, and any buildings, manufactories or houses therein contained and situate, and to lay pipes for the purpose of conducting the Gas in any of the streets or avenues of the said City, and also that the said Company will so conduct their manufactories of Gas, as not to create a nuisance, and that no public street, lane or highway in the City of New York, shall be dug into, or in any way injured or defaced, without the permission of the Corporation of the said City first had and obtained."

And your petitioners further show, that one hundred and twenty five thousand dollars of the capital stock of your petitioners has been subscribed, (being as your petitioners believe sufficient to effect the objects of their incorporation) and as your petitioners are about to contract for the erection of their Gas Houses and other buildings, and also for laying pipes through the streets of the city for the purpose of supplying Gas to the citizens,

Wherefore your petitioners respectfully pray that your Honorable Bodies would be pleased to pass an Act or Resolution authorizing your petitioners to dig into the public streets, lanes and highways of the said City, for the purpose of laying pipes through which to conduct their Gas to such buildings, manufactories and houses as are desirous of being supplied with it, and as in duty bound, &c,

ROBERT McDERMUT, *President.*

Attest.

WILLIAM L. MORRIS, *Sec'ry Pro. Tem.*

New York, Sept. 1, 1831.

ARTICLES OF AGREEMENT,

INDENTED, made and concluded this twelfth day of May in the year of our Lord one thousand eight hundred and twenty-three, between the Mayor, Aldermen and Commonalty of the city of New York, of the first part, and the New York Gas Light Company of the second part,

Witnesseth that the said parties of the first part, for and in consideration of the covenants, articles and agreements herein after mentioned, on the part of the said parties of the second part and their successors, to be observed, performed, and kept, Do hereby grant, demise and to farm let, to the said parties of the second part and their successors, *All and singular the sole and exclusive* privilege and right of laying or placing under ground, pipes in all and every of the public streets and parts of streets of the city of New York, lying and being *south of a line commencing at the East River, at the foot of Grand street, and running through Grand street, to Sullivan street, and through Sullivan street to Canal street, and through Canal street to the North or Hudson River*, for conducting Gas, for lighting the public lamps in the streets and parts of streets south of said line, and the houses and buildings, fronting or to front on or bounded by or adjacent to the streets or parts of streets south of said line, TO HAVE AND TO HOLD and to enjoy the same unto the said parties of the second part and their successors, from the day of the date of these presents for and during and until the twelfth day of May which will be in the year of our Lord one thousand eight hundred and fifty-three; PROVIDED NEVERTHELESS; and this grant is upon this express condition, that the said parties of the second part and their successors, shall and do in all things well and sufficiently keep, perform and observe all and singular the covenants, articles, agreements and stipulations on their part to be kept, performed and observed as hereinafter is set forth and agreed; And the said parties of the second

part, in consideration of the premises do for themselves and their successors covenant and agree to and with the said parties of the first part and their successors, as follows : that is to say, that they the said parties of the second part, shall and will before the twelfth day of May in the year of our Lord one thousand eight hundred and twenty-five, erect, establish and complete in the said city of New York, good and sufficient buildings, works and apparatus, for the preparing and manufacture of Gas ; and that they will also cause the pipes for conducting the same, and of sufficient capacity, to be laid, and will also manufacture or cause to be manufactured and supplied in the most approved manner, sufficient quantities of the best quality Gas, commonly called inflammable Gas, for lighting the houses and public lamps in the street called Broadway in the said city, from the Battery to Grand street, in the manner hereinafter mentioned ; AND ALSO MOREOVER, that they the said parties of the second part, shall and will at all times from and after the twelfth day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and during the residue of the term of this grant, in like manner cause the pipes of sufficient capacity for conducting the said Gas to be laid, and will also manufacture or cause to be manufactured and supplied in the most approved manner sufficient quantities of the said Gas of the best quality, for well and sufficiently lighting the streets, parts of streets and public places, and the public lamps and houses adjoining or to adjoin all and singular the streets and parts of streets lying in the said city south of the aforesaid line, at such periods as the said parties of the first part shall from time to time, after the said twelfth day of May in the year of our Lord one thousand eight hundred and twenty eight, by resolution or by law reasonably require of the said parties of the second part ; and that all such pipes to be furnished by the said parties of the second part, and placed under ground for the purpose of conducting the said Gas in all or either of the said streets, or

parts of streets, shall be made and constructed in the most approved manner of cast iron and of the best materials ; And also, that the said parties of the second part, shall and will light such and so many of the public lamps with the best quality of Gas as are in the streets, or parts of streets of the said city, south of the aforesaid line whenever they may be required to light the same or any number of the same by the said parties of the first part, or their successors ; the said lamps to be lighted during such times as the public lamps are now required to be lighted, and in the streets or parts of streets in which the pipes for conducting Gas shall be laid according to these presents, at a yearly expense to the said parties of the first part, not exceeding what would be the expense of lighting and supplying an equal number of the said lamps with oil of the quality generally used for that purpose, estimating the price of oil at the average price of the same in the city of New York during the preceding year.

And further, that the said parties of the second part, shall likewise furnish at their own expense the necessary conductors of metal of sufficient capacity to the lamp posts, that the lights of the said lamps shall be of a quality, brilliancy or intensity equal to the gas in use for the public lamps in the city of London ; the said parties of the first part however to be at the expense of lamps, lamp irons, lamp posts, and fittings up, and at no other expense for fixtures, conductors, repairs or any other account whatsoever ; and also, that the parties of the second part shall and will at all times give forty-eight hours notice to the said parties of the first part or to their Street Commissioner, of their intention to break up, or open any street or part of a street, for the purpose of laying or repairing pipes to conduct the gas, and that they will replace the earth, which they may remove, in so doing before the sunset of the day on which such opening shall be made, and that they will replace the pavements

and repave and repair the same in such reasonable time and manner as the said parties of the first part, or their Street Commissioner may direct, and in as good and firm a manner as the streets were in before being broken up, for the aforesaid purpose; and further, that all such repairs as shall, at any time become necessary by reason of the said pipes or conductors, shall always be made and done by the said parties of the second part at their own cost and expense, and also that the said parties of the second part will so conduct their manufactory or manufactories of gas as not to create a nuisance, and that they will in all things be governed by such reasonable and necessary rules and regulations as the said parties of the first part, or their successors may from time to time pass, ordain and establish relative to the opening of streets and laying down the pipes and conductors aforesaid; Provided Always that nothing in this grant contained shall be construed to prevent any person or persons residing on, adjacent or near to any of the said streets or parts of streets in the said city south of the aforesaid line, from erecting in or on his or their own premises any building or apparatus to light with Gas his or their own house or manufactory, and Provided Further, and the premises hereby granted, are also upon this express condition any thing herein contained to the contrary notwithstanding, that if the said parties of the second part or their successors shall not well, and faithfully observe, perform, fulfil and keep all singular the covenants and conditions above contained on their part and behalf to be observed, performed, fulfilled and kept according to the full intent and meaning of the presents, then and in that case it shall and may be lawful for the said parties of the first part in Common Council convened, by a resolution or order to annul and vacate this grant, and thereupon the premises hereby demised shall be revested in the said parties of the first part or their successors, as fully and completely, as if this Indenture had never been executed.

IN WITNESS WHEREOF to one part of this indenture remaining with the said parties of the first part, the said parties of the second part, have caused the common seal of the said, THE NEW YORK GAS LIGHT COMPANY to be affixed, and to the other part thereof remaining with the said parties of the second part, the said parties of the first part have caused the common seal of the city of New York to be affixed, the day and year, above written.

By the Common Council,

STEPHEN ALLEN,

[L. S.] J. MORTON, Clerk.

TO THE HONORABLE THE COMMON COUNCIL OF THE CITY OF NEW YORK.

The Memorial of the New York Gas Light Company,

Respectfully showeth,

That whereas an application has been made to your Honorable Bodies, by the Manhattan Gas Light Company, for permission to dig into the public streets, lanes and highways of the city for the purpose of laying pipes to conduct gas through the same,

Your memorialists beg leave respectfully to represent, that on the twelfth day of May, 1823, they entered into a contract with the Mayor, Aldermen, and Commonalty of the city of New York, whereby, on certain conditions, they were to enjoy the exclusive privilege and right of laying pipes under ground, for conducting gas to light the public lamps and private buildings, in all the streets south of Grand street, Sullivan street, and Canal Street, until the twelfth day

of May, 1853; a printed copy of which contract is herewith submitted.

That your Memorialists have on their part and at great expense, fully complied with all the conditions stipulated therein, having laid substantial iron pipes through all the principal streets of their district, to the extent of about twenty-six miles, and at the cost of upwards of one hundred and thirty thousand dollars, besides the expenditure for their works and other apparatus.

That by these means the citizens have been fully supplied with gas light, and one half of the Company's capital being still unemployed, they are enabled to supply the wants of all persons requiring gas light within their district.

Your Memorialists therefore solicit your honorable bodies to confine the operations of any grant of the Manhattan Gas Light Company, to that part of the city *north* of Grand street, Sullivan street and Canal street, as designated in the contract entered into by the Mayor, Aldermen and Commonalty with your Memorialists.

And as in duty bound, &c.

WILLIAM W. FOX, *President*
New York Gas Light Company.

E. E. WEED, *Sec'ry.*

New York, September 9th, 1831.

PROPOSITIONS OF THE MANHATTAN GAS COMPANY.

1. The Manhattan Gas Company solicit the permission (required in their Charter) to lay their main and lateral pipes in the streets of this city north of Grand street.

2. They propose that the streets so to be used, shall be dug up and repaved under the supervision of a competent person, to be appointed by the Common Council, or in such manner as they may direct, and that he shall be paid by the Company for such services at a rate not exceeding ($1 50) for each day so employed.

3. The Company do not ask or expect any exclusive privileges, and therefore they cannot engage to light the Public Lamps for any sum *less* than the cost of the Gas which may be consumed. They are willing to relinquish all profit, and to charge the public *only* so much as will indemnify them for the actual expense which they will positively incur, for furnishing the Public Lamps with Gas; they therefore propose to furnish the Gas *at cost*, or to charge therefor 25 *per cent. less* on *each* 100 cubic feet of Gas for the Public Lamps, than they charge to their general customers—the Common Council to make the election.

REMARKS.

A Company which has a monopoly or exclusive rights, can stipulate to light the Public Lamps for less than cost, and for this obvious reason. No other Company can interfere with them, and they can and unquestionably will charge the consumers as much more for the Gas they use, as will indemnify the Company for their loss on the light furnished to the public, the consequence of which is, that the Gas consumers in that exclusive district, have to pay not only for their own light, but also for that (or the greater part of it) which is furnished for the public, which operates as a tax on them, unequal and oppressive.

But a Company which has no exclusive privilege, and which must of necessity sell their Gas on the *lowest terms*, in order to keep off competition, cannot agree to light the Pub-

lic Lamps at *less* than the *cost* of the Gas, because that tax or loss would fall exclusively on the *Company* or *Stockholders*—whereas in the case of a monopoly, the tax or loss would fall upon the *whole* of the *Gas consumers* within the range of the exclusive district.

The burden or tax in the *first case* would fall on the Company, and would amount to a prohibition to use the powers granted by the Legislature; in the other case, the Company have nothing to fear from competition, *add it* to the charge made to their customers, who are thereby compelled to bear more than their just proportion of the public burden.

TO ALDERMAN LAMB.

Dear Sir—The only proposition which the Committee of the Manhattan Gas Company can make, is contained in the 2d and 3d propositions hereunto annexed. We hope that the Committee will report soon, as we wish to have the matter brought to an issue of some sort.

Respectfully yours,

THOMAS R. MERCEIN.

The Committee on Lamps and Gas, to whom was referred the Petition of the Manhattan Gas Light Company,

RESPECTFULLY REPORT,

That the said Company was incorporated on the 26th day of February, 1830, with authority to supply this city with Gas,

and the Petitioners state that $125,000 of their capital stock has been subscribed, which they believe is sufficient to accomplish the object of their incorporation, and they also state that they are about to contract for the erection of their Gas House and other buildings, and also for laying pipes through the streets of the city, for the purpose of supplying the same with Gas, and they ask the Common Council to pass an Act or Resolution authorising the said Company to dig into the public streets, lanes and highways of the city, for the purpose of laying pipes to conduct their Gas to such buildings as may be desirous of being supplied with the same.

It is known to the Board that there is another Company in this city, incorporated for the purpose of supplying it with Gas, which has been in operation several years. With this Company the Corporation entered into a contract on the 12th of May, 1823, by which the exclusive right was granted to said Company for thirty years, of laying pipes in all that part of the city lying south of a line commencing at the East River at the foot of Grand street, and running through Grand to Sullivan street, through Sullivan to Canal street, and through Canal street to the North River. By this contract, therefore, the Corporation are precluded from granting the privilege of laying down pipes in that part of the city, to any other Company during the said term. The power to grant to the Manhattan Gas Company such privilege north of the said line, still exists in the Corporation, and the expediency alone of the measure is to be taken into consideration.

In the agreement made by the Corporation with the New York Gas Light Company, it is provided that the said Company shall light the Public Lamps at a rate not exceeding what would be the expense of lighting and supplying an equal number of said Lamps with oil, of the quality generally used for that purpose, estimating the price of oil at the average price of the same in the city of New York during

the preceding year; and it appeared to your Committee, that without some stipulation as to the rate at which the Manhattan Gas Light Company would light the Public Lamps should be made by them, the privilege of laying down pipes ought not to be granted.

For the purpose of ascertaining the views of the said Company on this point, their President was invited to attend a meeting of the Committee, and the only proposition which could be obtained was, that the Company would not engage to light the Public Lamps for less than the cost of the Gas consumed, or 25 per cent. less than they would charge their general customers, the Common Council to make the election.

The Committee are of opinion that these terms are not such as ought to be accepted by the Common Council, and therefore offer for the consideration of the Board, the following Resolution:

Resolved, That it is inexpedient to grant the prayer of the Petitioners.

ANTHONY LAMB,
JOHN Y. CEBRA.

The Special Committee, to whom was referred the petition of the Manhattan Gas Light Company, praying permission to dig into the public streets, lanes and highways for the purpose of laying pipes through which to conduct gas, in order to light the buildings, houses and manufactories of this city, and to whom was also referred the memorial of the New York Gas Light Company,

RESPECTFULLY REPORT,

That the Petitioners were incorporated by the Legislature of

this State, on the 26th day of February, 1830, for the purpose of lighting the city of New York with gas; but in their act of incorporation, it is provided, "that no public street, lane or highway shall be dug into, or in any way injured or defaced, without the permission of the Corporation of said city first being had and obtained; and the present prayer of the petitioners is for the purpose of obtaining such permission.

Your Committee further state, that prior to the incorporation of the said Manhattan Gas Light Company, the legislature did incorporate a Company for the same purpose, under the style of the New York Gas Light Company, and that on the 12th day of May 1823, the Corporation of this city entered into a contract with said Company, granting them on certain conditions until the 12th day of May, which will be in the year 1853, "the sole and exclusive privilege and right of laying or placing under ground pipes in all and every of the public streets, and parts of streets in the city of New York, lying and being south of a line running through Grand, Sullivan and Canal streets."

Your Committee would not advise any interference with the rights of the New York Gas Light Company, under the contract as aforesaid; but believing as they do, that the introduction of Gas Light into cities is a desirable improvement, and worthy of legislative encouragement, they respectfully suggest to the Board, that the petitioners be permitted to lay their gas pipes in that part of the city north of the line aforesaid, for the limited term of ten years from the first of ensuing—the grant to be a simple one but not exclusive, and to be on the following conditions to wit:

The gas furnished by the said Manhattan Gas Light Company to the citizens, to be at all times as cheaply furnished, and in equal quality to the gas furnished the citizens south of the aforesaid line by the New York Gas Light Company.

That the said Manhattan Gas Light Company, at all times, whenever required by the Common Council, furnish gas of the like quality as aforesaid, for lighting the public lamps in all places where their gas pipes shall be laid ; that they furnish therefor such quantity as may be required, and that the said gas light furnished to the Corporation shall not exceed in cost the like quantity of light obtained from oil lamps.

That the said Manhattan Gas Light Company shall only dig up, and replace and repave the streets to be used for the purpose aforesaid, under the supervision of a competent officer, which officer shall be appointed and removed, and the vacancy filled by the Common Council, whenever, and as often as they shall see fit.

That said officer shall be considered as in the employ of the Mayor, Aldermen and Commonalty of the City of New York, and on such wages as the Common Council shall from time to time direct, and the same shall be paid by the said Manhattan Gas Light Company, but not to exceed one dollar and seventy-five cents per day, while the said officer shall be employed as aforesaid.

And further, that the said Manhattan Gas Light Company shall so conduct their manufactory or manufactories of gas, as not to create a nuisance, and that they will in all things be governed by such reasonable and necessary rules and regulations as the Common Council may from time to time pass, ordain and establish, relative to the opening of streets and laying down the gas pipes of the said Company.

And the said Company shall so far erect and complete their works for the manufacture of gas, that they shall be in readiness to deliver the quality of gas aforesaid, and for laying down their pipes for supplying the same, on or before the day of

Your Committee respectfully submit the following Resolution :

Resolved, That the prayer of the Petitioners be granted to the extent, and in conformity with the conditions prescribed in the preceding report, and that if the Board of Assistants concur, the Counsel be directed to draw up articles of agreement in conformity with the said Report, to be executed by the Corporation and the said Manhattan Gas Light Company.

FYLER DIBBLEE.
H. MEIGS.

New York, April 2, 1832.

Resolved, That the Counsel of the Board prepare a draft of an agreement with the Manhattan Gas Company, in conformity to the Report of the Special Committee, and submit the same to the Common Council for their approval, prior to the execution of the same.

The Committee to whom was referred the application of the Manhattan Gas Company,

RESPECTFULLY REPORT,

That they have duly considered the object of the application, and the proceedings which have been hertofore had by the Common Council in relation to this matter, as well as to the grant to the New York Gas Company.

It is superfluous to remark upon the acknowledged superiority of light obtained from gas over the ordinary means of furnishing it for public purposes ; and there appears to exist no just reason why the inhabitants of the upper parts of the

city should be denied advantages, enjoyed by their fellow citizens, south of Grand-street.

These considerations being disposed of, the only remaining points are—

1. The necessary restrictions for the protection of the public rights.

2. The price to be paid for lighting the public lamps—and

3. The duration of the grant.

Your committee conceive that the report of the Select Committee of this Board, made on the 2nd of April last, contains ample provisions to guard the public rights, and thus disposes of the first point.

As to the second, your Committee have used much diligence to ascertain the fair and equitable remuneration which ought to be allowed to this company, (in case the privilege is granted of laying down their pipes,) for supplying the public lamps. Your committee have satisfied themselves, that in England the following rates are paid for each lamp, viz :

In Liverpool, on a 7 years contract,	£4 15 or	$21 11
Leeds, - - - - -	3 10	15 55
London, - - - - -	5	22 22
Birmingham, - - - -	3	11 33

In Baltimore, the contract is at $10 per lamp. At that place the gas is made of coal, and each lamp is computed to consume 9000 cubic feet per annum, which at 33 1-3 cts. per 100 feet, (the price paid by consumers,) would amount to $30 per annum, being $20 per lamp, more than the price paid by the city authorities.

The New York Gas Light Company supplies 376 public lamps, at about $5 per annum, each of which is computed to consume 4275 cubic feet of gas per annum, and this, at the rate supplied to consumers of 70 cts. per 100 feet, would amount to $29 92 cts. each.

Without entering into any further detail, it is evident that the New York Gas Company sustains a heavy loss on every lamp supplied by them, and your Committee can perceive neither wisdom or policy in any course which thus procures a bonus to the public, at the expense of the individual consumers; for it would be absurd to suppose, that they do not put as large an additional tax on their consumers as will cover their loss, by the contract with the Corporation.

In regard to the price paid to the New York Gas Company, it may be answered, that the equivalent is found in their privilege, which is *exclusive*, to supply the whole city south of Grand-street, until the year 1853, at any price they may think proper to ask, and which individuals may be willing to pay without the possibility of competition.

This advantage, however, does not exist with regard to the Manhattan Gas Company: the Legislature, in granting their charter, have left it open to confer similar powers on any rival institution; and while, on the one hand, the public interests are better guarded by the fear of competition, so, on the other, it affords a just claim to a fair and liberal remuneration for their services. It is, moreover, entirely optional with the Corporation to use their gas or not; and of course it will never be used, unless it appears, from actual experiment, to be cheaper than the light obtained from the present sources.

As to the duration of the contract proposed to be entered into, your Committee think it fair to make it co-extensive with that of the New York Gas Light Company, by which means a spirit of emulation will be excited, under a conviction that when the charter of the last named Company expires, the whole city will be opened as a field for rivalship, and a preference in a new contract given to that association which has most sedulously performed its engagements with the public.

Your Committee therefore offer the following resolution :

Resolved, That the counsel be directed to draw up articles in conformity with the report of the Committee of this Board above referred to with the following modifications :

First, That the size of the lamps and the quality of the gas be at least equal to the best supplied by the New York Gas Light Company.

Second, That the Compensation to be allowed be twenty-five per cent less than the customary price charged by the said Manhattan Gas Company, to their customers ; but in no event to exceed fifteen dollars per lamp per annum ; and that it is at the option of the Corporation to obtain gas from any of the pipes which may be laid by said Company.

Third, That the contract shall expire simultaneously with that of the New York Gas Light Company ; and that nothing contained in the contract shall prevent the Corporation from giving like privileges to any other Company.

Fourth, That the Gas House shall be located either on the margin of one of the rivers, or at some place not south of Fourteenth street, and subject to such reasonable restrictions, with respect to preventing the management of its operations becoming offensive to the neighborhood, as the Common Council may from time to time direct.

Fifth, The certificate of the Street Commissioner shall be a sufficient voucher, upon which the Inspector having charge of laying the pipes, shall state his accounts.

All which is respectfully submitted,

JAMES B. MURRAY,
H. P. ROBERTSON,
J. R. RHINELANDER.

October 1, 1832.

The Committee on Lamps and Gas of the Board of Assistants, to whom the foregoing report, &c. was referred, recommend a concurrence with the same.

JAMES RIKER,
SAMUEL DUNSHEE,
THOMSON PRICE.

New York, October 20, 1832.

DOCUMENT NO. XXVI.

BOARD OF ASSISTANTS.

OCTOBER 22, 1832.

FERRY LEASES,

NOW IN FORCE.

Printed under the Direction of the Comptroller; Ordered by Resolution of the Board of Assistants of October 22, 1832.

FULTON FERRY.

Right to navigate by steam, possessed by William Cutting.

This Indenture, made the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and fourteen, Between the Mayor, Aldermen and Commonalty of the City of New York, of the first part, and William Cutting and Robert Fulton of the same place, Esquires, of the second part. Whereas, the said William Cutting, by agreement made between him and the said Robert Fulton and Robert R. Livingston, is possessed of the exclusive right to build and navigate ■ steam ferry boat or boats across the East River, between certain points and

places in the city of New York, and certain points and places on the Island of Nassau, within which points and places, the premises hereinafter demised, are comprehended. And Whereas, the said parties of the first part intend to establish a Ferry from Beekman slip, in the city of New York, to the old Ferry at Brooklyn, on the Island of Nassau, from and after the first day of May next, and thereafter to discontinue the present Ferry at Fly Market slip, in the said city of New York, and the said William Cutting and Robert Fulton, propose to lease from said parties of the first part, the said Ferry so intended to be established, for the purpose of navigating thereon a Steam Ferry boat or boats, for the transportation of passengers, horses, carriages, cattle and such things as are usually transported in Ferry boats. And whereas the said parties of the first part, willing and desirous of promoting the useful establishment of Steam Ferry boat or boats, have agreed to lease the said Ferry to the said parties of the second part, and for the better accommodating the said Ferry for the Steamboat establishment, and for the greater convenience of the public, have determined to appropriate so much of Beekman slip, as may be necessary for the accommodation and use of the said Steam Ferry Boats, and the other Ferry Boats to be employed on the said Ferry. Now therefore this Indenture Witnesseth, that the said parties of the first part, for and in consideration of the premises and of the rents, covenants and agreements hereinafter contained on the part of the said parties of the second part to be paid, kept and performed : Have demised, granted, and to farm letton, and by these presents Do demise, grant and to farm let, unto the said William Cutting and Robert Fulton, their executors, administrators and assigns, All the Ferry and right of ferriage, from Beekman slip aforesaid to the

Ferry proposed from Beekman slip instead of Fly-market.

Accommodation for ferry boats at Beekman slip determined on.

old Ferry at Brooklyn, on the said Island of Nassau, and from the said old Ferry at Brooklyn, to Beekman-slip aforesaid: Together with all and singular, the rights, members, privileges and appurtenances to the same belonging, or in any wise appertaining: To Have and to Hold the said Ferry and right of ferriage, and premises hereby granted and demised unto the said parties of the second part, their executors, administrators and assigns, from the first day of May next ensuing the date of these presents, for and during the full end and term of twenty-five years, from thence next ensuing, and fully to be complete and ended: Yielding and paying therefor yearly and every year, for the first eighteen years of the said term, unto the said parties of the first part, their successors or assigns, the rent or sum of four thousand dollars, in equal quarterly payments, on the first days of August, November, February and May, in each and every year, and for the remaining seven years of the said term, the rent or sum of four thousand and five hundred dollars, in quarterly payments as aforesaid, the first payment to be made on the first day of August next. And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, Do hereby covenant, grant and agree to and with the said parties of the first part, their successors and assigns as follows, that is to say:

Ferry privileges granted from Beekman slip to the old ferry at Brooklyn.

From first May 1814, to first May 1830.

Rent first 18 years, $4,000; the last seven $4500, per annum, payable quarterly.

Firstly.—That the said parties of the second part, their executors, administrators or assigns, shall and will at their own proper cost and expense, build, furnish, provide and navigate from Beekman slip aforesaid to the old ferry slip at Brooklyn, and thence back to Beekman slip aforesaid, a Steam Ferry Boat substantially similar to the Steam Ferry Boat now navigated between Paulus Hook and the said city of New

Lessees to provide a steam ferry boat.

York, and calculated for the transportation of passengers, carriages, horses, cattle and market freight. And also shall and will at their own proper cost and expense, erect, build, provide, uphold and keep in good repair, the floating bridges and stairs necessary for the accommodation of the said Steam Boats, and other Ferry Boats hereinafter mentioned, at the said several slips where the same shall be necessary. And further, that the said Steam Ferry Boat shall be in actual operation by the second day of May, in the year of our Lord one thousand eight hundred and fourteen, with such other boats or barges, as are or may be required by the acts of the Legislature of the people of the state of New York, or by the said parties of the first part or their successors, for the purpose of transporting passengers and such things as are usually transported in ferry boats, and that the said Steam Ferry Boat shall be continually employed during the continuance of this lease, as a Ferry boat on the premises hereby demised, except when unavoidably interrupted by wind, weather, war or necessary repair as follows, that is to say, daily and every day, from half an hour before sunrise until half an hour after sunset, and that the other Ferry Boats shall in like manner, be continually employed during the continuance of this lease daily and every day during the hours and times prescribed by the present or future acts or act of the Legislature of the people of the State of New York, in the premises; and further, that the Steam Ferry Boat shall start from Beekman slip aforesaid, once in every hour, and shall start from the old Ferry at Brooklyn also once in every hour, (except when necessarily prevented as aforesaid,) from half an hour before sun rise, until half an hour after sun set, in each and every day during the term hereby granted.

Lessees to provide and keep in repair the floating bridges and stairs.

Boats to be in actual operation 2d May, 1814.

Time to be employed.

Secondly.—That the said parties of the second part, their executors, administrators or assigns, shall and will on or before the first day of May, which will be in the year of our Lord one thousand eight hundred and nineteen, at their own proper cost and expense, build, furnish, provide and navigate from Beekman slip aforesaid, to the said Ferry at Brooklyn, and thence back to Beekman slip aforesaid, a second Steam Ferry Boat calculated for the transportation of passengers and freight, and shall and will during the rest and residue of the term hereby demised, keep both of the said Steam Ferry Boats constantly employed on the said Ferry, from half an hour before sunrise, until half an hour after sunset, in each and every day during the said residue of the said term, and one of the said Steam Ferry Boats shall start from Beekman slip once in every half hour, and one shall start from the old Ferry at Brooklyn, also once in every half hour during the said residue of the said term.

Lessees to provide a second steamboat by 1st May 1819.

Time to be employed.

Thirdly.—That in case such law as hereinafter mentioned relative to the increase of the ferriage for passengers, shall be enacted by the Legislature, at any time previous to the first day of May, one thousand eight hundred and nineteen, then and in that case, the second Steam Ferry boat shall be built and put in operation as above mentioned, by the said parties of the second part, their executors, administrators or assigns, as soon after the passing of the said law as the said boat can be built and got in readiness.

Second boat to be put on earlier, if the ferriage should be increased.

Fourthly.—That the said parties of the second part, their executors, administrators or assigns, shall and will yearly, and every year for the first eighteen years of the said term, well and truly pay unto the said parties of the first part, their successors or assigns, the yearly rent or sum of four thousand dollars in equal

Rent to be paid within thirty days after it shall become due.

quarterly payments, on the first days of August, November, February and May, in each and every year, and for the remaining seven years of the said term, the yearly rent or sum of four thousand five hundred dollars, in equal quarterly payments as aforesaid, and that if default shall be made in any of the said quarterly payments of rent, for the space of thirty days next after the day or days on which the same ought to be paid as aforesaid, or if the said parties of the second part, their executors, administrators or assigns, shall make default in the performance of any of the covenants and agreements on their part and behalf to be performed, or any or either of them, or any part of either of them, that then and in every such case, it shall and may be lawful for the said parties of the first part, their successors or assigns, to enter upon and take possession of the premises hereby demised, and the same to hold as of their former estate, together with the above mentioned floating bridges and stairs to be made as aforesaid, and these presents and the term hereby granted shall thereupon cease, any thing herein contained to the contrary notwithstanding.

In case of default the Corporation may re-enter.

Fifthly.—That the said parties of the second part, their executors, administrators or assigns, will at the expiration of the term created by this lease, or other sooner determination thereof, quietly and peaceably yield and deliver up the premises hereby demised, to the said parties of the first part, their successors or assigns.

When the premises are to be delivered up.

Sixthly.—That in case this lease should become and be forfeited by reason of the default of the said parties of the second part, their executors, administrators and assigns in the payment or performance of the rents and covenants herein contained, that then the said parties of the first part, their successors or assigns shall

Rights of the Corporation in case the Lease should become forfeited, and the condi-

be entitled to the same exclusive right of navigating a Steam Ferry Boat or Boats upon the premises here demised, (but not elsewhere,) as the said William Cutting now possesses in virtue of the grant and agreement made to and with him by the said Livingston and Fulton as aforesaid, upon the said parties of the first part, their successors or assigns, allowing and paying to the said William Cutting, his executors, administrators or assigns for the exclusive right of navigating a Steam Ferry Boat or Boats upon the premises hereby demised as aforesaid, the same sum or per centage upon the profits arising therefrom as the present Paulus Hook Steam Ferry Boat Company have agreed to allow and pay to the said Livingston and Fulton for the use of their patent rights and State privilege in navigating Steam Ferry Boats between the cities of New York and Jersey.

tions on which those rights should be used.

Seventhly.—That the said parties of the second part, their executors, administrators and assigns, shall and will conduct and manage the said Ferry agreeably to such regulations, rules and restrictions as now are, or from time to time hereafter during the said term shall be made by any law of this State, or ordinance of the Common Council of this city in relation to the same, provided that no such ordinance shall in any manner whatsoever contravene or be inconsistent with the covenants herein contained. And the said parties of the first part for themselves and their successors, do hereby covenant and agree to, and with the said parties of the second part, their executors, administrators and assigns as follows, that is to say,

Ferry to be conducted according to statute of the state or ordinance of the Common Council.

Firstly.—That the said parties of the first part, will, at their own expense, on or before the first day of May, which will be in the year of our Lord one

Corporation to make and keep in re-

pair the necessary wharves and piers.

thousand eight hundred and fourteen, make and thereafter keep in repair such additional wharves or piers at Beekman Slip and Brooklyn as may be necessary for the accommodation of a Steam Ferry Boat or Boats.

Corporation to apply for authority to increase the ferriage.

Secondly.—That the said parties of the first part will apply to, and endeavor to procure from the Legislature of the State of New York a law authorizing the said parties of the first part, to demand and receive of the passengers to be transported over the said Ferry hereby demised, the sum of four cents each, instead of the sum of two cents, now allowed by law, which ferriage of four cents the said parties of the second part, their executors, administrators and assigns shall be entitled to demand, and receive of each and every passenger transported across the Ferry hereby demised, whenever a Steam Ferry Boat shall be in actual operation on the said Ferry. And also for a law authorizing the Common Council of the city of New York from time to time to make ordinances to regulate the mooring or anchoring of the vessels in the East River, in such manner as not to impede or interrupt the navigation of a Steam Ferry Boat or Boats on the premises hereby demised; and to impose penalties upon the master and owner of any vessel or boat which may run foul of or crowd the said Steam Ferry Boat or Boats in crossing the said Ferry. And in case the Legislature should refuse to raise the ferriage of passengers to four cents each, as aforesaid, that then the said parties of the second part, their executors, administrators, or assigns, shall be permitted by the said parties of the first part, and their successors (as far forth as they can lawfully permit the same) to receive four cents from each, and every passenger who may choose to pass in a steam boat; but the fare in

And to prevent vessels obstructing the East River.

If the statute for the increase of ferriage should be refused the Corporation not to hinder the charge of four cents for foot passengers

the horse boats and barges shall continue and remain as may be established by law.

Corporation to purchase the boats, &c., at the expiration of lease.

Thirdly.—In case the parties of the second part, their executors, administrators and assigns, shall and do continue the said Steam Ferry Boat establishment until the full end and expiration of the said term of twenty-five years, hereby demised, that then, and in that case, at the expiration of the term aforesaid, the parties of the first part, or their successors, shall and will purchase of the said parties of the second part, their executors, administrators, or assigns, at a just and equitable appraisement to be made by arbitrators, one to be chosen by each of the said parties, and the third by the two arbitrators, such boats as may at that time be actually used and employed upon the said Ferry, hereby demised, together with the floating bridges built, and then used for the accommodation of such boats.

No other Ferry to be permitted south of Catharine Slip.

Fourthly—That the said parties of the first part, and their successors, will not during the existence of this lease, grant, establish, or permit any other Ferry between the said city of New York and Brooklyn to the southward of the present Ferry at Catharine Slip. Lastly, that the said parties of the second part, their executors, administrators and assigns, well and truly keeping, and performing all and singular the covenants and agreements hereinbefore mentioned, on their part to be kept and performed, shall at all times during the continuance of this lease, have, hold, use, occupy, and enjoy the premises hereby demised, without the lawful let, hinderance, molestation, or disturbance of the said parties of the first part, their successors or assigns, or any other person or persons lawfully claiming, or to claim the same by, from, or under them. In testimony whereof, to one part of these

presents remaining with the said parties of the first part, the said second part have set their hands and seals : and to the other part thereof, the said parties of the first part have caused the Common Seal of the City of New York to be affixed, the day and year first above written.

Sealed and delivered in presence of THOS. R. MERCEIN, D. S. JONES.

WM. CUTTING, [L. S.]
R. FULTON. [L. S.]

Endorsement on the Foregoing Lease.

IN COMMON COUNCIL, OCTOBER 19, 1818.

Resolved—That the time limited by a resolution of this Board, passed the 22d day of December last, for the New York and Brooklyn Steam Ferry Boat Company to build and complete a Team Boat in lieu of the second boat mentioned in the lease to Mess'rs Fulton and Cutting, be, and is hereby extended to the first day of April next. Provided, however, that such Team Boat shall not be less than seventy feet in length on deck, nor less than forty-two feet in breadth on deck, including the platform.

Resolved,—That in case the said Company shall not be able to procure an Act from the Legislature to enable them to charge the same rates of ferriage in such Team Boat as is now allowed for the Steam Boat, or from any other cause shall be disposed to place another Steam Boat upon the Ferry, conformably with the provisions of the said lease, they shall be at liberty to do so, and to discontinue the further use of such Team Boat. Provided always, that

a Team Boat be put on the Ferry by the first of April next, or a Steam Boat by the first of May next.

Resolved,—That the Counsel of this Board be authorized and required to endorse these resolutions upon the before mentioned Lease.

The foregoing resolutions were endorsed by my order, December 22, 1818.

(Signed) OGDEN EDWARDS.

FERRY FROM CATHARINE SLIP.

This Indenture made the twelfth day of June, in the year of our Lord one thousand eight hundred and twenty, between the Mayor, Aldermen and Commonalty of the City of New York of the first part, and Rodman Bowne and Samuel Bowne of the second part, Witnesseth, That the Mayor, Aldermen and Commonalty of the City of New York, for and in consideration of the rents, covenants, payments, articles and agreements hereinafter mentioned, on the part and behalf of the said parties of the second part, their executors, administrators and assigns, to be observed, paid, performed, fulfilled and kept, have demised, granted, and to farm let, and by these presents do demise, grant, and to farm let, unto the said parties of the second part, their executors, administrators and assigns, all that certain Ferry established from the New or Catharine Market Slip, in the City of New York, over the East River to the foot of Main street, in Brooklyn, and from the foot of Main street, in Brooklyn aforesaid, back to Catharine Market Slip aforesaid, with all and singular the usual accustomed

Ferry from Catharine-Market slip to foot of Main street Brooklyn.

ferriage, fees, perquisites, rents, issues, benefits, profits, and advantages whatsoever to the said Ferry belonging, or therewith used, or thereout arising, and also the Ferry-house and Lot in Brooklyn appertaining to the said Ferry to have and to hold the said Ferry with the appurtenances, and house, and lot, unto the said parties of the second part, their executors, administrators and assigns, for and during the full end and term of nineteen years from the first day of May last past, yielding and paying therefor, yearly and every year, during the said term, unto the said, the Mayor, Aldermen and Commonalty of the City of New York, their successors and assigns, the annual rent hereinafter mentioned, that is to say, during the first seven years of the said term, the sum of twelve hundred and seventy-five dollars, annually; during the next ensuing five years of the said term, the sum of eighteen hundred dollars, annually; and during the next ensuing seven years of the said term, the sum of two thousand dollars, annually; all of which sums are to be paid in quarter yearly payments, on the usual days of payment of rent, that is to say, one fourth part thereof, on the first days of August, November, February and May, in each and every year during the said term—the first payment to be made on the first day of August next. Provided always, and these presents, and the premises hereby demised, are upon this express condition, that if it should so happen, that the said yearly rent, or any part thereof should be behind and unpaid for the space of ten days after any day of payment on which the same, or any part thereof ought to be paid, as aforesaid, or if the said parties of the second part, their executors, administrators or assigns shall neglect to pay, perform, fulfil, and keep, any or either of the payments, articles, covenants, clauses, agreements, matters and things herein contained, which on their part are to be paid, performed, fulfilled

From 1st May 1820, 19 years, to the 1st May 1839.

Rent for seven years, $1,275. Rent for 5 years 1,800 Rent for seven years, 2,000. Payment quarterly.

Rights of the Corporation in case of default of the Lessees.

and kept during the term aforesaid, according to the true intent and meaning of these presents, that then and in every such case or cases, it shall and may be lawful to and for the said, the Mayor, Aldermen and Commonalty of the City of New York, their successors and assigns to enter into, and upon the premises hereby demised, and to have, possess, and enjoy the same as fully as though these presents had not been made, any thing herein contained to the contrary notwithstanding. And provided further, and it is hereby expressly agreed by and between the parties to these presents, that it shall and may be lawful to, and for the first part, and their successors, at any time during the continuance of this lease, without any prejudice to the right and interest in the same of the said parties of the second part, their executors, administrators and assigns, to establish a Ferry across the East River from the foot of Walnut street, or from any point to the westward of it, not exceeding 100 feet, or from any point to the eastward of it to the Wallabout, or to any point to the westward of the Wallabout, not exceeding 100 feet to the westward of Little street, on the Long Island shore, with all the privileges usually appertaining to Ferries; and the said parties of the first part, for themselves and their successors, do covenant and agree to, and with the said parties of the second part, their executors, administrators and assigns to keep the chain used on the easterly side of the said Ferry, at the foot of Catharine Slip, in good order and repair during the continuance of this lease; and the said parties of the second part, for themselves, their executors, administrators and assigns, do covenant, and agree to, and with the said, the Mayor, Aldermen, and Commonalty of the City of New York, their successors and assigns, by these presents, that they, the said parties of the second part, their execu-

Right to establish a Ferry from foot of Walnut street, 100 feet west of Little-st. L. I. reserved by Lessors.

Corporation to keep the chain in repair.

tors, administrators, and assigns, shall, and will yearly, and every year during the said term, well and truly pay unto the said parties of the first part, their successors, or assigns, the said yearly rents or sums of money hereinbefore mentioned, at the days and times above specified for the payment thereof, without fraud or delay. And also, that they, the said parties of the second part, their executors, administrators and assigns, shall, and will during the whole of the said term of nineteen years, at their own proper costs and expenses, furnish, provide, and navigate upon the said Ferry, from Catharine Slip to Brooklyn, aforesaid, two good and substantial Team Ferry Boats, to be propelled by not less than eight good and substantial horses, and keep the said Team Ferry Boats at all reasonable times thereafter, continually employed on the said Ferry, during the term hereby granted. And also, that they, the said parties of the second part, their executors, administrators and assigns, shall and will, during the said term of nineteen years, if thereunto required by the said parties of the first part, or their successors, or the Committee on Ferries for the time being, maintain, and keep at their own proper costs and charges, three good and substantial Row Boats, of such size and construction as now is, or may be required by the Common Council, to carry and transport carriages and effects across the said river, from either side thereof, with safety, convenience, and expedition; and that the said Boats shall, when required, at all times during the said term, be kept in good and sufficient repair, and be furnished with good and sufficient oars, and other implements, at the proper expense and charges of the said parties of the second part, their executors, administrators and assigns, and that each of the said Boats when required as aforesaid, shall be manned with two honest, sober,

Lessees to provide 2 Team and three Row Boats.

skilful, and able bodied men, who shall be competent to row the said boats, and who shall at all reasonable times give their constant and ready attendance to the said respective places of landing for the prompt and expeditious transportation and conveyance of passengers and effects across the said River; and also, that they, the said parties of the second part, their executors, administrators, or assigns, shall and will keep the Frames, Ferry-stairs and Bridges, used at the said Ferry on each side of the same, and the whole of the old part of the pier on the easterly side of the Slip, occupied for the use of the said Ferry at Brooklyn, and one half of the new part of said pier, in good order and repair, at their own expense, during the continuation of this Lease; and also, that they, the said parties of the second part, their executors or administrators, shall not, nor will at any time during the said term, in any manner grant, assign, transfer, or set over this present Lease, or any part thereof, or the above described and demised premises, or any parcel of the same without the leave and consent of the said parties of the first part, or their successors, in writing, under their common seal, first had and obtained; nor shall do, commit, or suffer any act or acts, thing or things, either by commission or omission, which shall create a forfeiture of these presents, or the premises hereby demised, or in anywise lessen, injure, or encumber the same, or the rents and revenues thereof; but that they, the said parties of the second part, will conduct and manage the said Ferry agreably to such rules, regulations and restrictions as now are, or from time to time hereafter during the said term, shall by any by-laws, ordinance, order, or resolution of the said parties of the first part, or their successors, be reasonably made or passed, in relation thereto. And also, that they, the said parties of the second part, their ex-

Lessees to repair Frames, Ferry stairs and Bridges—the whole of the old, and half of new part of Pier on the easterly side.

Lessees not to transfer without consent.

Ferry, how to be conducted.

Premises to be surrendered at the expiration of Lease.

ecutors, administrators, or assigns, shall and will on the last day of the term hereby granted, or other sooner determination hereof, well and truly deliver up the said hereby demised premises, with the rights, privileges, and appurtenances thereunto belonging, into the hands and possession of the said parties of the first part, their successors or assigns, without fraud or delay; and the said parties of the second part, for themselves, their executors, administrators, and assigns, and the said, the Mayor, Aldermen and Commonalty of the City of New York, for themselves and their successors, do mutually covenant, grant and agree to, and with each other respectively, in manner following, that is to say, that the Team Boats and all other boats and furniture of what description soever, as shall be actually employed on the said Ferry, at the expiration of the said term, shall be valued by three indifferent persons or appraisers; one to be chosen by the said parties of the first part, or their successors, one by the said parties of the second part, their executors, administrators or assigns, and the third by the persons or appraisers so chosen by the said parties to these presents, and before they proceed to make the said valuation the decision of two of which said persons or appraisers given in writing under their hands and seals, shall be final and conclusive, provided that the said parties of the first part shall not be bound to pay for any number of boats commonly denominated Team Boats, exceeding two, unless they the said parties of the first part, or their successors, shall during the said term request the said parties of the second part, their executors, administrators, or assigns, to build a greater number of boats of that description. And it is hereby further agreed by and between the said parties, that such decision shall be made and given within twenty days after the expiration of the

Boats and furniture to be paid for by appraisement

said term, or other sooner determination of these presents as aforesaid. And the said parties of the first part, their successors and assigns, shall and will within ten days thereafter, pay to the said parties of the second part, his executors, administrators, or assigns, the sum awarded to be due to him or them, provided the said Boats and furniture shall be assigned and delivered over within the said term, by the said parties of the second part, their executors, administrators or assigns, to the said parties of the first part, their successors or assigns, free and clear from any claims and demands from any person or persons whatsoever.

In testimony whereof, to one part of these presents remaining with the said, the Mayor, Aldermen and Commonalty of the city of New York, the said parties of the second part, have set their hands and seals; and to the other part thereof remaining with the said parties of the second part, the said, the Mayor, Aldermen and Commonalty of the city of New York, have caused the Common Seal of the city of New York to be affixed, the day and year first above written.

Sealed and Delivered in presence of OGDEN EDWARDS, } RODMAN BOWNE, [L. S.]
SAMUEL BOWNE, [L. S.]

This Indenture, made the twelfth day of September, in the year of our Lord one thousand eight hundred and twenty-five, between the Mayor, Aldermen and Commonalty of the city of New York of the first part, and Rodman Bowne and Samuel Bowne of the second part: Whereas the said parties of the first part did, in and by a certain indenture of lease, bearing date the twelfth day of June, in the year of our Lord one thousand eight hundred and twenty, for and in considera- Recital of a former Lease.

tion of the rents, covenants payments, articles and agreements, in the said indenture of lease contained, demise, grant and to farm let unto the said parties of the second part, their executors, administrators and assigns, All that certain Ferry established from the New or Catharine Market Slip, in the city of New York, over the East River to the foot of Main street in Brooklyn, and from the foot of Main street in Brooklyn aforesaid, back to Catharine Market Slip aforesaid, with all and singular the usual accustomed ferriage fees, perquisites, rents, issues, benefits, profits and advantages whatsoever, to the said Ferry, belonging, or therewith used, or thereabout arising, and also the ferry house and lot in Brooklyn, appertaining to the said Ferry : To have and to hold the said Ferry, with the appurtenances and house and lot, unto the said parties of the second part, their executors, administrators and assigns, for and during the full end and term of nineteen years, from the first day of May then last past ; Yielding and paying therefor yearly and every year, during the said term, unto the said parties of the first part, their successors and assigns, during the first seven years of the said term, the sum of twelve hundred and seventy-five dollars annually : during the next ensuing five years of the said term, the sum of eighteen hundred dollars annually : and during the next ensuing seven years of the said term, the sum of two thousand dollars annually : All of which sums are to be paid in quarter yearly payments, on the usual days of payment of rent, that is to say, one fourth part thereof on the first days of August, November, February and May, in each and every year during the said term ; the first payment to be made on the first day of August then next. In which said indenture of lease, there is a proviso, the effect following to wit : Provided further, and it is hereby expressly agreed by and be-

For a Ferry from Catharine Slip to Main street Brooklyn.

From first May, 1820, 19 years, to 1st May, 1839.

Rent for 7 years, $1275; do. 5 years $1800; do. 7, $2000: payable quarterly.

tween the parties to the said indenture, that it should and might be lawful to and for the parties of the first part and their successors, at any time during the continuance of the said lease, without any prejudice to the right and interest in the same of the said parties of the second part, their executors, administrators and assigns, to establish a Ferry across the East River, from the foot of Walnut street, or from any point to the westward of it, not exceeding one hundred feet, or from any point to the eastward of it to the Wallabout, or to any point to the westward of the Wallabout, not exceeding one hundred feet to the westward of Little street, on the Long Island shore, with all the privileges usually appertaining to Ferries. And whereas the said parties of the second part are willing that the landing place of the said last mentioned ferry, now leased or about to be leased for twenty-one years to James B. Clarke and Silas Butler, on the Long Island side, may be altered from the foot of Little street, to the foot of Jackson street; and the said parties hereto of the first part, have agreed that the term of years for which the said indenture of lease, to the said parties of the second part is given, shall be extended seven years, four months and eleven days from the end of the term specified in the said Indenture, at the highest rate of rent reserved in said lease, adding thereto the amount of six per cent interest, on the advances made by the said parties of the first part, for building the pier at the foot of Catharine street, so that the lease of both said Ferries, shall expire at the same time. Now therefore this Indenture Witnesseth that the said parties of the first part, Do hereby covenant and agree to and with the said parties of the second part, their executors, administrators and assigns, that the said parties of the second part, their executors, administrators and assigns, shall and

Right to establish a Ferry at Walnut street to 100 feet west of Little street, L. I., reserved.

The parties agree to a change of landing place on L. I., and extension of former lease.

Former lease extended from 1st May, 1839, 7 years to first May, 1846.

may have and hold the said Ferry, with the appurtenances and house and lot by the said indenture of lease, to them granted and demised, for the additional period of seven years, four months, and eleven days, from the time limited in said lease for the expiration thereof: Yielding and paying therefor yearly and every year during the said additional term, unto the said parties of the first part, their successors and assigns, the yearly rent or sum of two thousand dollars, together with six per cent interest, on the sum or sums advanced by the said parties of the first part, for building the pier at the foot of Catharine street, as heretofore agreed upon between the said parties, on the days and in manner provided as to the rents reserved in the said Indenture of lease. And the said parties of the second part, for themselves their heirs, executors, administrators and assigns, Do covenant and agree to and with the said parties of the first part, their successors and assigns, that they the said parties of the first part, their successors and assigns, shall and may change the landing place of the said Ferry leased or about to be leased to James B. Clarke and Silas Butler, on the Long Island side from the foot of Little street, (or from any point westward of it, not exceeding one hundred feet,) to the foot of Jackson street, with all the privileges usually appertaining to Ferries. And it is hereby further understood by and between the said parties to these presents, that all the covenants, conditions, provisions and stipulations in the said indenture of lease, between the said parties to these presents, and in every other agreement relating to the said Ferry, and the premises in the said indenture of lease mentioned and described, except in so far as the same may be altered or modified by this indenture, shall be and remain in full force and virtue, and shall be applicable to the rent and provisions in this Indenture contained.

Rent for the additional term to be $2000 per annum

Lessees to pay 6 per cent. interest on cost of pier foot of Catharine street.

Lessors may change the Landing place to foot of Jackson-st. L. I.

IN WITNESS WHEREOF, to one part hereof, the said parties of the first part, have caused the Common Seal of the city of New York, to be affixed, and to the other part hereof, the said parties of the second part, have set their hands and seals on the day and year herein first above written.

Sealed and delivered in the presence of T. J. WATERS. } RODMAN BOWNE, [L. S.] SAMUEL BOWNE, [L. S.]

WALNUT STREET FERRY.

This Indenture made the twelfth day of September, in the year of our Lord one thousand eight hundred and twenty-five, between the Mayor, Aldermen, and Commonalty of the City of New York, of the first part, and James B. Clarke and Silas Butler, of the town of Brooklyn, county of Kings, and state of New-York, of the second part: Whereas, the said parties of the first, did in and by a certain Indenture of Lease, bearing date the first day of December, in the year of our Lord one thousand eight hundred and seventeen, grant, demise and to farm let, unto one Samuel Evans, of the town of Brooklyn on Nassau Island, Esquire, a certain Ferry then to be established, at the foot of Walnut street, in the City of New York, over and across the East River, to Little street, on Long Island, on the west side of the Navy Yard, and adjacent thereto, and from Little street aforesaid to Walnut street aforesaid, for the term of fifteen years from thence next ensuing, and under the conditions, provisions, reservations and stipulations in the said Indenture of Lease contained, as by reference to the said

Recital of former lease to Samuel Evans, from Walnut street to Little-st. on Long Island.

For fifteen years from the 1st December, 1817.

Indenture of Lease, will more fully and at large appear. And whereas, the said Samuel Evans is since deceased, and administration of all and singular, the estate and effects whereof the said Samuel Evans was possessed at the time of his death, hath been granted to Jane Evans. And whereas, the said Jane Evans as such administratrix, did by and with the leave and consent of the said parties of the first part, assign and set over the said lease to Daniel S. Griswold, Joseph G. Swift and Silas Butler. And whereas, the said Daniel S. Griswold, Joseph G. Swift and Silas Butler, have by their certain petition to the said parties of the first part, prayed that they may transfer the said Lease to James B Clarke, and the said Silas Butler, the parties of the second part of the present Indenture; to which application the parties of the first part have consented, and do by these presents consent. And whereas the said Lease, has accordingly been duly assigned to the said James B. Clarke and Silas Butler, and the said James B. Clarke and Silas Butler, the said parties of the second part to this present Indenture, have by their petition prayed of the said parties of the first part, to grant them a new and extended lease, and to change the landing place of the said Ferry, on the Long Island shore, from Little street to Jackson street. And whereas, the said parties of the first part, have agreed thereto, in consideration of the covenants and stipulations, on the part of the said James B. Clarke and Silas Butler, hereinafter specified. Now therefore this Indenture Witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, payments, agreements and articles hereinafter mentioned and contained on the part and behalf of the said parties of the second part, their heirs, executors, administrators and assigns, to be paid, done, performed and kept; Have demised, granted and to farm letten,

Lease assigned to D. S. Griswold, S. Butler and J. G. Swift.

Griswold, &c. assigned to Jas. B. Clarke and Silas Butler who petition for a new and extended lease.

and by these presents do demise, grant and to farm let, unto the said parties of the second part, their executors, administrators and assigns, All the certain Ferry establishment at the foot of Walnut street, in the city of New York, over and across the East River, to Jackson street in Brooklyn, on Long Island, and from Jackson street aforesaid, to Walnut street aforesaid, with the privilege of running Steam and Team Boats thereon, and with all and singular the Ferriage fees, perquisites, rents, issues, profits, benefits and advantages whatsoever, which may arise or accrue from the said Ferry ; To have and to hold, the said Ferry, with the appurtenances, to the said parties of the second part, their executors, administrators and assigns, from the day of the date of these presents, for and during, and until the full end and term of twenty-one years, from thence next ensuing and fully to be complete and ended : Yielding and paying therefor yearly and every year during the said term, unto the said parties of the first part, their successors and assigns, the annual rents hereinafter mentioned, that is to say during the first seven years of the said term, the sum of three hundred dollars annually: during the next ensuing seven years of the said term, the sum of six hundred dollars annually, and during the last seven years of the said term, the sum of twelve hundred dollars annually : All of which said sums are to be paid in quarter yearly payments, on the usual days of payment of rent, that is to say, one fourth part thereof on the first days of August, November, February and May, in each and every year during the said term, the first payment to made on the first day of November next. Provided always, that if it should so happen that the said yearly rents or any part thereof should be behind or unpaid for the space of ten days, after any day of payment, on which the same ought to be paid as

Granted from Walnut street, N. Y., to Jackson-st. in Brooklyn, L. I.

For twenty-one years from the 12th September 1825.

Rent first 7 years $300, second seven years 600, third seven years, 1200 per annum payable quarterly.

Provision in case of default of Lessees.

aforesaid, or if the said parties of the second part, their executors, administrators or assigns, do or shall neglect or omit to pay, perform, fulfil or keep any or either of the payments, articles, covenants, clauses, agreements, matters or things herein contained, which on the part and behalf of the said parties of the second part, their executors, administrators or assigns, are to be paid, performed, fulfilled and kept during the said term of twenty-one years, according to the true intent and meaning of these presents, that then and in every and all such case and cases, it shall and may be lawful to and for the said parties of the second part, their successors or assigns, to enter into and upon the premises hereby demised, and to have, possess and enjoy the same again as fully as though these presents had never been made, any thing herein contained to the contrary notwithstanding. And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant and agree to and with the said parties of the first part, their successors and assigns, by these presents in manner following, that is to say, that the said parties of the second part, their executors, administrators and assigns, shall and will yearly and every year during the said term hereby demised, well and truly pay unto the said parties of the first part, their successors and assigns, the said yearly rents or sums of money hereinbefore mentioned, at the days and times above specified for the payment thereof without fraud or delay. And also, that they the said parties of the second part, their executors, administrators and assigns, shall and will within one year from the date of this instrument, at their own proper cost, charges and expenses, furnish, provide and navigate upon the said Ferry, from Walnut street to Jackson street aforesaid, a good and substantial Team Ferry Boat, or a good and substantial Steam

Lessees to provide a Team or Steam ferry boat within one year.

Ferry Boat, and also shall and will, within two years from the date of this instrument, if thereunto required by the said parties of the first part, at their own proper costs, charges and expenses, provide and navigate upon the said Ferry, one other good and substantial Team Ferry Boat, or one other good and substantial Steam Ferry Boat, both the said Boats to be approved by the said parties of the first part, and to be at all reasonable times thereafter, continually employed upon the said Ferry, during the term hereby granted, to carry, transport and convey carriages, horses, passengers and effects, across the said river, from Walnut street to Jackson street aforesaid, and from thence to Walnut street aforesaid, with safety, convenience and expedition, and that the said Team Boats or Steam Boats, shall always during the said term, be kept in good repair, and furnished with all necessary and proper implements and machinery, adapted to their respective kind, and be manned with a sufficient number of able-bodied men skilled in water service, to manage the same, and that the said men so to be employed in all and every of the said Boats, shall and will at all times, be ready and willing to give their constant and ready attendance at the said Ferry, for the prompt and convenient transportation of passengers and effects, horses and carriages across the said Ferry. And also, that they the said parties of the second part, their executors, administrators and assigns, shall conduct and manage the said Ferry, agreeably to such rules, regulations and restrictions, as from time to time during the said term, shall by any By-Law, ordinance, order or resolution of the said parties of the first part or their successors in Common Council convened, be made or passed in relation to the said Ferry. And also, that they the said parties of the second part, their executors, administrators and assigns, shall and will, at

A second boat within two years if required by the Corporation.

Boats to be approved by the Corporation and kept continually employed.

Boats to be kept in good repair, and properly furnished.

Ferry to be managed agreeably to regulations of the Common Council.

Lessees to keep in repair the bridges, floats, docks and piers.

their own proper costs, charges and expenses, build, erect, make and finish, and at all times during the said term hereby demised, well and sufficiently repair, uphold, sustain, amend, maintain and keep the necessary bridges and floats at each landing place of the said Ferry, and the necessary docks and piers at the landing place at the foot of Jackson street, and shall and will also keep in repair the piers at the foot of Walnut street, or such parts or proportions of such piers, as may belong to the said parties of the first part, and at the expiration of the said term hereby demised, shall and will peaceably and quietly leave, surrender and yield up the said Ferry, and every thing hereby demised, in good order and condition into the hands and possession of the said parties of the first part, their successors or assigns. And also that the said parties of the second part, their executors administrators and assigns, shall not nor will during the said term, assign, transfer, or set over, underlet or in any other manner, convey this present lease or any part thereof, or the above demised premises, or any part of the same, without the leave and consent of the said parties of the first part, their successors or assigns, in writing first had and obtained.

Property to be surrendered at the expiration of lease, in good order.

Corporation to build bulkhead and piers foot of Walnut street.

And the said parties of the first part, for themselves and their successors, do covenant and agree to, and with the said parties of the second part, their executors, administrators and assigns, in manner and form following, that is to say, that they, the said parties of the first part, and their successors, shall and will, with all convenient speed, after the execution of these presents, at their own proper costs, charges and expenses, build, erect, make and finish, or cause to be built, erected, made and finished, under the directions of their Street Commissioner, according to law, a bulk-

head and piers at the foot of Walnut street: the said bulkhead and piers, to be of such size and materials and description as shall be approved of by the said Street Commissioner. And that the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant and agree to and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their executors, administrators and assigns, shall and will, after the completion of the said bulkhead and piers, for the use of such parts of the said piers belonging to the said parties of the first part, well and truly pay, or cause to be paid unto the said parties of the first part, their successors and assigns, an additional rent for said Ferry, over and above all the rents hereinbefore specified, which shall be equal to the interest at six per cent. per annum, on the sum expended by the said parties of the first part in building, erecting, making and finishing such piers, (the determination of the said Street Commissioner as to the day of the completion of the said bulkhead and piers, and the sum or sums stated in the books kept in the said Street Commissioner's office, as the sum expended by the said parties of the first part, in building, erecting, making and finishing the said piers to be conclusive as to those particulars,) the said additional rent herein and hereby agreed upon, to commence on the day of the completion of the said bulkhead and piers, and to terminate with this lease, and to be paid quarterly on the same days specified in this indenture for the payment of the rents above reserved, and in case the said bulkhead and piers should be completed on a day intermediate two of the quarter days above specified for the payment of the rents above reserved, then on the next quarter day, after such completion, only a proportional part of one quarter's additional rent shall

Lessees to pay an additional rent equal to six per cent. per annum on amount expended for bulkhead and piers.

be paid for so much of the said quarter of the year as shall be to come and unexpired between the day of completion of the said bulkhead and piers, and the next quarter day. And it is further understood and agreed upon by and between the said parties to these presents, that all the covenants in this indenture contained, relative to the rents of three hundred, six hundred and twelve hundred dollars, above reserved, and all the remedies by re-entry or otherwise, for the recovery of the same, shall equally apply to the said additional rent, in like manner as if the said additional rent had been incorporated in and formed a part of the said rents of the three hundred dollars, six hundred dollars and twelve hundred dollars. And further, that in case the said bulkhead and piers shall not be completed with all convenient speed, nothing herein and hereby contained shall be construed to give the said parties of the second part, their executors, administrators or assigns, a claim for damages upon the said parties of the first part, or their successors, for or by reason of the said extension not being made or completed as aforesaid.

IN WITNESS WHEREOF, to one part hereof, the said parties of the first part have caused the common seal of the city of New York to be affixed, and to the other part hereof, the said parties of the second part have set their hands and seals, on the day and year first above written.

Sealed and delivered in the presence of T. J. WATERS. } JAMES B. CLARKE, [L. S.]
} SILAS BUTLER, [L. S.]

WILLIAMSBURGH FERRY.

This Indenture made the eighth day of October, in the year of our Lord one thousand eight hundred and twenty-seven, between the Mayor, Aldermen and Commonalty of the City of New York, of the first part, and the Williamsburgh Ferry Company, of the second part, Witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, and agreements hereinafter mentioned and contained on the part and behalf of the said parties of the second part, and their successors and assigns, well and truly to be paid, observed, performed, fulfilled and kept, according to the true intent and meaning of these presents, have granted, demised, and to farm letten, and by these presents, do grant, demise, and to farm let unto the said parties of the second part, and their successors and assigns, all that Ferry established at the foot of Grand street in the City of New York, over and across the East River to Morrell's Point, where the boats now land, on Nassau Island, with all and singular, the rights, members, profits, advantages and appurtenances thereof; to have and to hold the same unto the said parties of the second part, and their successors and assigns, for and during, and until the full end and term of fifteen years and three months from the first day of February, last past, fully to be complete and ended. Yielding and paying therefor yearly, and every year during the first one year and three months of the said term, the yearly rent of seventy-five dollars; during the following seven years of the said term, the yearly rent of one hundred and fifty dollars, and during the remaining seven years of the said term, the yearly grant of two hundred and fifty dollars, in equal quarter yearly payments, on the usual days of payment, to wit: on the first day of May,

Ferry from the foot of Grand-st., N. Y., to Morrell's Point, L. I. granted.

For fifteen years and 3 months, from first February, 1827.

Rent for 1 year and 3 months, $75; next 7 years 150 last 7 years 250 per annum.

August, November, and February, in each and every year during the term hereby demised. And the said parties of the second part, for themselves, their successors and assigns, do covenant and agree to, and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their successors and assigns, shall and will, well and truly pay, or cause to be paid unto the said parties of the first part, their successors and assigns, the said yearly rents hereinbefore severally mentioned, at the several and respective times above limited and appointed for the payment thereof as aforesaid. And also, that the said parties of the second part, their successors or assigns, shall and will from the date of these presents, at their own proper costs and expenses, furnish, provide, and navigate from the foot of Grand street aforesaid, to Morrell's Point aforesaid, the two good and substantial Steam Ferry Boats, now used on the said Ferry, or others at least equal in size, and propelled by as great power as those are, and will keep the said Steam Ferry Boats continually employed on the said Ferry during the term hereby granted. And also, that the said parties of the second part, their successors or assigns, shall and will at their own proper costs, charges and expenses, at all times during the term hereby granted, furnish, maintain, and keep upon the said Ferry, two good and sufficient Row Boats, to be used in case of emergency, to carry passengers and effects across the said River, (whenever the public convenience shall require the same) with safety and convenience ; and that the said Steam Boats shall always during the said term, be furnished and manned with a sufficient number of able bodied men, skilled in water service, to sail and manage the same ; and that the said men so to be employed in all and every of the said Boats, shall at all reasonable

Lessees to provide 2 Steam Ferry Boats.

Boats to be continually employed.

Two Row Boats to be kept on the Ferry.

Boats to be ready at all reasonable times.

times be ready and willing to give their constant and ready attendance at the said Ferry, for the prompt and convenient transportation of horses, carriages, passengers and effects, across the said River; and that the rate of ferriage at said Ferry, per foot passenger, shall not exceed four cents each, and that the rate of commutation for foot passengers at the said Ferry, shall not exceed twelve dollars per annum for each, and that the commutation for milk carts shall not exceed fifty dollars per annum, and a ratable proportion for other commutations.

Rates of Ferriage.

And also, that the said parties of the second part, their successors or assigns shall not, nor will not during the said term hereby granted, assign, transfer or set over this present lease, or any part thereof, either directly or indirectly to any person or persons whomsoever, or incumber or charge the same, without the leave of the said parties of the first part, first had and obtained in writing, under their common seal. And also, that they the said parties of the second part, their successors or assigns, shall conduct and manage the said Ferry agreeably to such rules, regulations, and restrictions, as from time to time hereafter, during the said term, shall by any by-law, ordinance, order or resolution of the said Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, be made or passed in relation to the said Ferry. And also, that the said parties of the second part, their successors or assigns, shall or will at the expiration or sooner determination of the said term, peaceably and quietly yield, surrender and deliver up to the said parties of the first part, their successors or assigns, the aforesaid Ferry.

Lessees not to transfer without consent of Corporation.

Ferry subject to be regulated by the Corporation.

Ferry to be surrendered at the expiration of lease.

And also, shall or will at the same time, grant and convey unto the said parties of the first part, their successors or assigns, a good, clear and indefeasible estate

Lessees to convey to the corporation, the

fee of the upper dock, at Williamsburgh.

in fee simple, in and to the dock which has been erected at Williamsburgh, for the accommodation of the Ferry formerly established at the foot of Delancey street, to that place, and also to the ferry-stairs, which are or shall be erected there. And the said parties of the first part, for themselves and their successors, do covenant and agree to and with the said parties of the second part, their successors and assigns, that they the said parties of the second part, their successors and assigns, well and truly performing the covenants hereinbefore mentioned, agreeably to the true intent and meaning of these presents, shall and may at all times during the continuance of this lease, peaceably and quietly, have, hold, use, occupy and enjoy the said term hereby demised, with the appurtenances thereunto belonging, without any interruption or molestation by or on the part of the said parties of the first part. Provided always, and these presents are upon this express condition, that in case the said parties of the second part, their successors or assigns shall make default in the performance of any or either of the covenants above contained on their part, to be observed, performed and kept, then and in such case, any thing herein contained to the contrary notwithstanding, these presents and every article, clause or thing herein contained, shall be absolutely null and void. And the said parties of the first part, for themselves and their successors, do hereby covenant to and with the said parties of the second part, their successors or assigns, that they will not, during the continuance of the term hereby demised, establish or grant any Ferry to any person or persons whatsoever, between Grand street and the foot of Twelfth street, on the East River, nor between Grand street and the limits of the grant heretofore made to Samuel Evans, of a Ferry.

In case of default the lease to be void.

No other ferry to be granted from Walnut to 12th street.

In witness whereof, to one part of these presents, remaining with the parties of the first part, the parties of the second part, have hereunto set their corporate seal, and to the other part thereof remaining with the said parties of the second part, the parties of the first part have set their common seal, the day and the year first above written.

Attest. [W. F. CO.] MILES HITCHCOCK,
President.

JOHN LORIMER GRAHAM, *Secretary.*

N. B. The Piers at Williamsburgh have recently been extended and repaired, and the proprietors of the Ferry have given a special Bond, for the payment of an additional rent, equal to six per cent. per annum, on the sum of three thousand dollars, being the amount appropriated by the Common Council, for the expense of extending and repairing the Piers appertaining to the said Ferry, at Williamsburgh.

T. J. WATERS, *Comptroller.*

HORNE'S HOOK OR HELL GATE FERRY.

This Indenture, made the first day of April, in the year of our Lord one thousand eight hundred and twenty-three, between the Mayor, Aldermen and Commonalty, of the City of New York, of the first part, and Abel Sammis, of the second part, witnesseth:

That the said parties of the first part, for and in consideration of the covenants, conditions and agreements hereinafter mentioned, reserved and contained, on the part and behalf of the said party of the second part, his executors, administrators and assigns, well and truly to

be observed, performed, fulfilled and kept, according to the true intent and meaning of these presents, have demised, granted and to farm letten and by these presents do demise, grant and to farm let, unto the said party of the second part, his executors, administrators and assigns, all that certain Ferry establishment from Horne's Hook, in the Ninth Ward of the City of New York, over and across the East River, to Long Island, and from thence back to Horne's Hook aforesaid; together with all the wharves, buildings and appurtenances, to the same belonging, or in any wise appertaining, with all and singular, the ferriage fees, perquisites, rents, issues, profits, benefits and advantages whatsoever, which may arise or accrue from the said Ferry. To have and hold the said Ferry, with the appurtenances, unto the said party of the second part, his executors, administrators and assigns, from the day of the date of these presents, for and during and until the full end and term of ten years, thence next ensuing, and fully to be completed and ended. Provided nevertheless, that if it should so happen, that all or any of the covenants, conditions and agreements, hereinafter mentioned, reserved and contained, on the part and behalf of the said party of the second part, his executors, administrators and assigns, well and truly to be observed, performed, fulfilled and kept, should not be so observed, performed, fulfilled and kept by the said party of the second part, his executors, administrators or assigns, then and in such case it shall and may be lawful for the said parties of the first part, their successors or assigns, to enter upon the said demised premises, and the whole to have again, repossess and enjoy, as if this lease had never been made, any thing hereinbefore contained to the contrary thereof in any wise, notwithstanding. And the said party of the second part, for himself, his

Ferry from Horne's Hook to Long Island, granted, together with the wharves and buildings.

For ten years from 1st April, 1823.

Provision in case of default by Lessee.

heirs executors, administrators and assigns, doth covenant and agree to and with the said parties of the first part, their successors and assigns, that he, the said party of the second part, his executors, administrators and assigns, during the said term of ten years herein and hereby demised, shall and will at his and their own proper costs, charges and expenses, find, furnish, provide, maintain, keep and navigate on the said Ferry, a good and substantial Team Ferry Boat, and shall and will keep the said Team Ferry Boat constantly employed on the said Ferry, during the term hereby granted. And also, that the said party of the second part, his executors, administrators and assigns, shall and will at his and their own proper costs, charges and expenses, at all times during the term hereby granted, furnish, provide, maintain, keep and navigate on the said Ferry, such good and substantial Boats, and of such size and construction, as may be required by the said parties of the first part, or their successors, to be used in case of emergency, to carry, transport and convey passengers and effects, horses and carriages, across the said Ferry, whenever the public convenience shall require the same, with safety and convenience. And that the said Team Boat, and the said other Boats, shall always during the said term, be kept in good repair, and furnished with all necessary and proper oars, and other implements, adapted to their respective kinds, and manned with a sufficient number of able bodied men, skilled in water service, to sail, row, and manage the same; and that the said men so to be employed, in all and every of the said boats, shall and will at all reasonable times, be ready and willing to give their constant and ready attendance, at the said ferry, for the prompt and convenient transportation of passengers and effects, horses and carriages, across the said Ferry. And also, that he

Lessee to provide a Team Ferry boat.

To be kept continually employed.

Other boats also to be provided by Lessees.

Boats to be kept in good condition.

Ferry how to be conducted.

the said party of the second part, his executors, administrators and assigns, shall and will conduct and manage the said Ferry, agreeably to such rules, regulations and restrictions, as from time to time during the said term, shall by any by-law, ordinance, order or resolution of the said parties of the first part, or their successors in Common Council, be made or passed in relation to the said Ferry. And also, that the said party of the second part, his executors, administrators and assigns, shall and will from time to time, and at all times hereafter, during the said term, at his and their own proper costs and charges, well and sufficiently repair, support, uphold, sustain, maintain, amend and keep the wharves, buildings, docks, bulkheads and other real property herein and hereby demised, and shall and will also, within one year from the day of the date of this Indenture, make, erect, set up, construct, build and finish, a good and substantial stone wall or bulkhead to the ground, on the Island of New York, herein and hereby demised, to be in place of, and in the situation of the wooden bulkhead, in front of the house on the said New York Island, herein and hereby demised; the said stone wall or bulkhead to be one hundred feet in length, and to run northwardly from the land of Commodore Chauncey, and to be six feet thick at the base, and four feet thick at the top, and to be approved of by the Street Commissioner. And further, that the said party of the second part, his executors, administrators and assigns, the same wharves, buildings, docks, bulkheads and other real property, as being well and sufficiently repaired, supported, upheld, sustained, maintained, amended and kept, and the said Ferry, and every thing herein and hereby demised, with the appurtenances, at the end of the said term, or other sooner determination of these presents, shall and will peaceably

Lessees to repair wharves, buildings, &c., &c.

Lessees to build a stone wall or bulkhead 100 ft. in length.

Size of wall

Property to be surrendered at the expiration of lease.

and quietly leave, surrender and yield up, in good order and condition to the said parties of the first part, their successors or assigns. And also, that the said party of the second part, his executors, administrators and assigns, shall not nor will, during the said term, assign, transfer, set over, under let or in any other manner convey the present lease, or any part thereof, or the above described and demised premises, or any part of the same, without the leave and consent of the said parties of the first part, their successors or assigns, in writing first had and obtained. And it is mutually covenanted and agreed by the said parties of the first part, for themselves, their successors and assigns, to and with the said party of the second part, his executors, administrators and assigns, and by the said party of the second part, for himself, his heirs, executors, administrators and assigns, to and with the said parties of the first part, their successors and assigns, that at the expiration of the said term of ten years, herein, and hereby demised, he the said party of the second part, his executors, administrators and assigns, (having complied with the conditions of this Indenture) shall be entitled to a new lease for the premises above conveyed, for the term of seven years thereafter, at such rent as shall be agreed upon by the said parties, or their legal representatives or assigns; and in case no agreement can be made, then the said parties of the first part, their successors or assigns, shall appoint one discreet and disinterested person, and the said party of the second part, his executors, administrators or assigns, shall appoint another such discreet and disinterested person, and the said persons so appointed, shall choose a third discreet and disinterested person; and the said three persons so appointed and chosen, shall act as arbitrators, in regard to the amount of rent to be paid for the said term of seven years, and their award in writing

No transfer without consent.

On full compliance of Lessees, the lease to be renewed for seven years.

Rent to be agreed upon, or fixed by appraisers.

Renewed lease to contain the same covenant excepting the one for stone wall.

shall be final as to the amount of the said rent, and thereupon a lease shall be given by the said parties of the first part, their successors or assigns, to the said party of the second part, his executors, administrators or assigns, for the said term of seven years, to commence immediately from and after the termination of the term herein granted, at the rent so awarded; but in either case, whether the rent be fixed by agreement, or by award as aforesaid, the said lease shall contain covenants, similar to those in the present indenture, excepting only the covenant in regard to building the stone wall or bulkhead, herein above mentioned.

In Witness whereof, to one part of these presents, remaining with said parties of the first part, the said party of the second part, hath set his hand and seal, and to the other part thereof remaining, with the said party of the second part, the said parties of the first part, have caused the common seal of the city of New York, to be affixed, the day and year first above written.

ABEL SAMIS. [L. S.]

Sealed and delivered in the presence of }

GEO. B. SMITH.

Transferred to Henry F. Blackwell, Dec. 8, 1827, by consent of Corporation.

PAULUS HOOK FERRY.

This indenture, made the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and twenty-five, between the Mayor, Aldermen, and Commonalty of the city of New York, of the first part, and Francis B. Ogden, Cadwallader D. Colden, and Samuel Swartwout, of the second part:

Recital of former lease to the York and Jersey Steam boat ferry Company.

Whereas, the said parties of the first part, did in and by a certain Indenture of Lease, bearing date the first day of May, in the year of our Lord one thousand eight hundred and twenty-three, grant, demise, and to farm let unto the York and Jersey Steam Boat Ferry Company, and to their successors and assigns, all the ferry and right of ferriage from the city of New York to so much of the Jersey shore as lies between a point immediately south of Hoboken, and a point due west from the Battery Castle, together with all and singular, the rights, members, privileges and appurtenances thereunto belonging, for the term of six years, from thence next ensuing, and under the conditions, provisions, reservations and stipulations, in the said Indenture of Lease contained, as by reference to the said Indenture of Lease, will more fully and at large appear.

Which was transferred

And whereas, the said the York and Jersey Steam Boat Ferry Company did, by and with the consent of the said parties of the first part, assign and set over, to the said parties of the second part to this present Indenture, the said Indenture of Lease to them, the said the York and Jersey Steam Boat Ferry Company.

Lessees apply for a new and

And whereas, the said parties of the second part, have by their certain petition to the said parties of the first

extended lease.

part, prayed that a new and extended Lease of the said premises may be granted to them. And whereas, the said parties of the first part, have agreed thereto, in consideration of the covenants and stipulations on the part of the said parties of the second part hereinafter specified ; and provided the said Indenture of Lease, to the York and Jersey Steam Boat Ferry Company, be surrendered and yielded up, (which said Indenture of Lease to the said, the York and Jersey Steam Boat Ferry Company, the said parties of the second part, being the legal assignees thereof, do accordingly, by these presents, surrender and yield up unto the said parties of the first part, to be cancelled.) Now therefore, this Indenture witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, payments, agreements and articles hereinafter mentioned and contained, on the part and behalf of the said parties of the second part, their heirs, executors, administrators and assigns, to be paid, done, performed and kept, have demised, granted and to farm letten, and by these presents do demise, grant, and to farm let, unto the said parties of the second part, their executors, administrators and assigns, all that the said Ferry and right of ferriage from the city of New York, to so much of the Jersey shore as lies between a point immediately south of Hoboken, and a point due west from the Battery Castle ; together with all and singular, the rights, members, privileges and appurtenances thereunto belonging, to have and to hold the same Ferry, right of ferriage, and premises, from the first day of November, next ensuing the date hereof, for and during, and until the full end and term of fifteen years and six months, thence next ensuing, and fully to be complete and ended, upon the terms following, to wit :

Former Lease cancelled.

Ferry granted.

For fifteen years and 6 months, from first November 1825.

Firstly—In case it shall be deemed necessary by the said parties of the first part, or their successors, for the public accommodation, to establish an additional ferry from any other part of the said city to Powles' Hook, that they, the said parties of the second part, shall establish such additional Ferry, but shall not be liable for any additional rent for the same.

Provision for an additional ferry to Powles' Hook.

Secondly—That two or more good and substantial Steam Ferry Boats, to be approved of by the said parties of the first part, shall be furnished and provided by the said parties of the second part, their executors, administrators, and assigns, and at their sole expense; but that one good Team Boat may be used in the stead of one of the said Steam Ferry Boats, which shall however be removed, and the Steam Boat put on said Ferry whenever the parties of the first part shall require the same to be done: and that all the boats shall be continually employed as Ferry Boats on the said Ferry during the said term, except when interrupted by seasons or war, or during necessary interruptions to make repairs; and they shall start as near as possible at the beginning and middle of each full hour by the clock, between sun rising and sun setting; and the said parties of the second part shall also have Row Boats to be employed on proper occasions.

Two steam ferry boats to be provided by Lessees.

One Team Boat may be used.

Time to be employed.

Thirdly—That the toll or fare for a market wagon and two horses and driver, and usual load, shall not be higher than fifty cents; and the toll or fare for a one horse wagon, or a horse and gig and two passengers, shall not be higher than thirty-seven and a half cents; and all other fare not higher than that which is contained in the annexed schedule or rates of ferriage; and that the floating ferry stairs shall be built and kept in repair by the said parties of the second part; and that they, the said parties of the second

Rates of Ferriage.

Lessees to build and keep in repair the floating stairs.

Rent per annum $1500; 1 year always in advance.

part, yielding and paying therefor, unto the said parties of the first part, their successors and assigns, yearly and every year, during the said term, the sum of fifteen hundred dollars, lawful money of the United States of America, in equal quarter yearly payments, in manner following, that is to say, the sum of fifteen hundred dollars, lawful money of the United States, shall be paid forthwith on demand; and the sum of three hundred and seventy-five dollars, lawful money as aforesaid, on the first days of February, May, August and November, following in each and every year until, and including the first day of May, which will be in the year of our Lord one thousand eight hundred and forty, inclusive, so that one year's rent may always be in advance in the hands of the said parties of the first part, their successors or assigns.

And the said parties of the second part, for themselves their heirs, executors, administrators and assigns, do covenant, grant and agree to, and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their executors, administrators and assigns, shall and will, well and truly, yearly and every year during the said term, pay the annual rent aforesaid, in advance, and in quarterly payments, in manner and form above mentioned; and that they the said parties of the second part, their executors, administrators and assigns, shall and will, well and truly keep fulfil and perform all things in this Indenture contained, which on their part are to be done, fulfilled, kept and performed, according to the true intent and meaning of these presents. And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do further covenant, grant, promise and agree to, and with the said parties of the first part, their successors and assigns, that if they the said parties of

Lessees not to create a forfeiture.

the second part, shall assign or set over this Lease, or any part thereof, without the consent of the parties of the first part, first had and obtained in writing under their common seal, or shall do or commit, or suffer or cause to be done or committed, any act or thing either by commission or omission in any thing whatsoever, which may create a forfeiture of the said Ferry, that then it shall be lawful for the said parties of the first part, their successors or assigns, to avoid the Lease hereby made, and thereupon these presents, and every thing herein contained, shall cease and be utterly void, so far as relates to the use or occupation of the said Ferry; and it shall be lawful for the said parties of the first part, their successors and assigns, thereupon into the said premises, wholly to re-enter and re-possess, and them the said parties of the second part and other occupiers thereof, to expel, remove and put out, any thing herein contained, to the contrary notwithstanding.

And the said parties of the first part, do covenant, grant and agree, to and with the said parties of the second part, that they the said parties of the first part, will well and truly fulfil and keep all things in this agreement contained, which on their part are to be done, fulfilled, kept and performed according to the true intent and meaning of these presents; and also, that they the said parties of the second part, their executors, administrators and assigns, well and truly keeping all and singular the covenants and agreements aforesaid, shall and may, at all times during the said term, peaceably and quietly have, hold, use, occupy and enjoy the premises demised, as aforesaid, without the lawful let, hindrance or molestation of the said parties of the first part, or their successors, or of any person or persons lawfully claiming or to claim the same. Provided, however, that if at any time any of

Rights of Corporation.

In case of default of Lessees.

the aforesaid quarterly, or the said yearly payments of rent should be in arrear or unpaid for the space of thirty days next after any of the days and times hereinbefore limited and appointed for the payment thereof, as aforesaid, then and in such case it shall and may be lawful for the said parties of the first part, to enter upon, and take possession of the premises demised, as aforesaid, and the same to hold as of their former estate, any thing hereinbefore contained, to the contrary thereof in any wise notwithstanding.

Property to be surrendered at the expiration of the lease.

And lastly, the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant, grant, promise and agree to and with the said parties of the first part, their successors and assigns, that they, the said parties of the second part, their executors, administrators and assigns, shall and will, at the expiration of the said term, peaceably yield and deliver up the hereby demised premises to the said parties of the first part, their successors or assigns. And the said parties of the first part, do hereby covenant, grant, promise and agree to and with the said parties of the second part, their executors, administrators and assigns, that they, the said parties of the second part, their executors, administrators and assigns, shall and may, under the direction, and by and with the consent of the Street Commissioner of the said parties of the first part, insert and drive such piles as may be necessary for the accommodation of the said ferry.

In Witness Whereof, to one part of these presents, remaining with the said parties of the first part, the said parties of the second part have set their hands and seals: and to the other part thereof remaining with the said parties of the second part, the said parties of the first part have caused the common seal of

the said city to be affixed, the day and year first above written.

CADWALLADER D. COLDEN, [L. S.]
SAMUEL SWARTWOUT, [L. S.]
FRANCIS B. OGDEN. [L. S.]

Sealed and delivered in the presence of }

WARREN B. CRUTTENDEN,
DAVID C. P. BROWN.

Schedule of Rates of Ferriage referred to in the annexed Indenture.

For every single person in the steam, horse or other boat, ...	$00 12½
An ordinary market wagon (loaded) covered or uncovered, with two horses and driver, ...	50
Do. with one horse and driver, . . .	37½
Do. drawn by four horses and driver, .	1 00
[N. B. A load of a market wagon is to consist of vegetables, fruit, meats and poultry ; a few bags of flour, (such as five or six, which is generally the most a farmer carries at once to sell at market,) may be considered a market article,]	
Do. drawn by two horses, loaded with iron, steel, lead, paint, cider, spirits, grain, flour in barrels, bags or otherwise, and other heavy articles, and driver, . . .	1 00
Do. drawn by four horses and driver, .	1 50

Do. drawn by two horses, loaded with paper, hemp, cotton, cotton yarn, furniture or other kinds of light goods, and driver, .	1 00
Do. drawn by four horses and driver, .	1 50
Do. or a cart empty, drawn by one or two horses and driver, ...	50
Do. do. drawn by one horse, with an ordinary load on to travel a distance, (with such as a hogshead of rum, or a similar weight,) and driver, ...	75
Large Pennsylvania wagon, or a similar one empty, drawn by two horses and driver, .	1 00
Do. with a load, ...	2 00
For every additional horse to said wagon,	19
Coach, coachee, chariot or covered wagon, drawn by two horses, and the driver and four persons, ...	1 00
A two wheel carriage, that is to say, chair, sulkey, &c. drawn by one horse, and two persons, ...	37½
Phaeton drawn by two horses, and two persons, ...	1 00
Sleigh, drawn by one horse, with one or two persons, ...	50
Do. do by two horses, with do., .	87½
Loaded sleighs to be rated the same as loaded wagons.	
Pleasure wagon, drawn by one horse, with one or two persons, ...	50
Do. drawn by two horses, and four persons,	1 00
A coach, coachee, chariot or covered wagon, ...	1 00
Phaeton, ...	62½

Chaise, top chair, or sulkey,	44
Sleigh,	30
Horses and cattle, each,	22
Sheep, calf or hog,	06
Large trunk or chest,	12½
Small do. do.	06
Bushel of salt,	02
Pipe or hogshead of wine, spirits or molasses,	75
Barrel of do.	12½
Barrel of beef, pork, flour or fish,	12½
Plank of every kind, each,	01½
Boards, do.	01
Side of sole leather,	02
Do. of upper leather,	01
Raw hide,	03
Iron, steel, lead, &c. per cwt.	06
Desk,	37½
Large table,	09
Small table,	04
Mahogany chair,	02
Common do.	01
Basket or bag of fruit of two bushels,	04
Bag of grain,	03
Bag of flour or meal,	03
Crate of earthen ware,	25
Tierce of earthen ware,	25
Feather bed,	06
Clock case,	12½
Chest of tea,	12½
Dye wood, indigo and copperas, per cwt.	06

Gunpowder, per cwt. only when properly secured,	25
A large bale of cotton,	25
An empty hogshead or pipe,	12½
Do. barrel,	03
Shad, per hundred,	25
Cabbage, per hundred,	19
Specie, per one thousand dollars,	12½

And all other articles and things in proportion.

New York, September 25th, 1825.

By agreement made the sixth day of June 1826, the Corporation covenant to extend the pier on the easterly side of said Courtlandt street Ferry, one hundred and ten feet into the North or Hudson's River, and the lessees of the said Ferry, covenant to pay to the Corporation, an additional rent which shall be equal to the interest at seven per cent. per annum, on the sum expended by them in making such extension of said pier.

T. J. WATERS, *Comptroller.*

The assent of the Common Council is given to the transfer by Francis B. Ogden and Samuel Swartwout, of their title under this Lease, to C. D. Colden.

G. N. BLEECKER, *Comptroller.*

21*st October*, 1826.

BARCLAY STREET FERRY.

This Indenture, made the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and twenty-two, between the Mayor, Aldermen and Commonalty, of the city of New York, of the first part, and John C. Stevens and Robert L. Stevens, of the second part: Witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, articles and agreements hereinafter mentioned, on the part and behalf of the said parties of the second part, their executors, administrators and assigns, well and truly to be paid, done, performed and kept according to the purport, true intent and meaning of these presents: Have demised, granted and to farm letten, and by these presents do demise, grant and to farm let, unto the said parties of the second part their executors and administrators: All that Ferry established from the foot of Barclay street, in the city of New York, across the North River to Hoboken, in the State of New Jersey, and commonly called and known by the name of the Hoboken Ferry, together with all and singular, the rights, members, profits, advantages, and apurtenances thereof: To have and to hold the same, unto the said parties of the second part, their executors and administrators, for and during the full end and term of eight years, from the first day of May next, fully to be complete and ended, yielding, rendering and paying therefor, unto the said parties of the first part, yearly and every year, during the said term, in quarterly payments, on the first days of August, November, February and May, in each and every year, during the said term, the yearly rent of five hundred

Ferry granted from foot of Barclay street to Hoboken.

For 8 years from first May, 1822.

Rent $595 per annum

Provision in case of default of Lessees.

and ninety-five dollars. Provided always nevertheless, that if it should so happen, that either of the said quarterly payments, or any part thereof, shall be in arrear and unpaid for the space of ten days after the time limited for the payment thereof as aforesaid ; or if the said parties of the second part, their executors, administrators or assigns, shall or do neglect or omit to pay, perform, fulfil or keep any or either of the payments, articles, covenants, clauses, agreements, matters or things herein contained, which on the part or behalf of the said parties of the second part, their excutors, administrators or assigns, are to be paid, performed, fulfilled or kept during the said term of eight years, according to the full intent and meaning of these presents, then and in every and all such case or cases, it shall be lawful for the said parties of the first part, their successors or assigns, thereupon, into the said premises wholly to re-enter, re-possess, and them, the said parties of the second part, their executors and administrators, and other occupiers thereof, to expel, remove and put out, and from thenceforward for them, the said parties of the first part, to possess and enjoy the said premises again, as fully as though these presents had not been made, any thing herein contained to the contrary notwithstanding. And the said parties of the second part, do for themselves, their heirs, executors and administrators, covenant, promise and agree to and with the said parties of the first part, and their successors, in manner and form following, that is to say, First, the said parties of the second part, their executors or administrators, during the term or time for which the said premises are hereby granted, shall and will well and truly pay or cause to be paid unto the said parties of the first part, or their successors, the aforesaid rent on the days hereinbefore limited and appointed for the payment thereof, agreea-

bly to the true intent and meaning hereof. Secondly, that the said parties of the second part, their executors or administrators, at their own proper costs and expense, shall during the term hereby demised and granted, provide and keep a sufficient number of good and substantial boats, sufficiently large, and adapted as well to carry and transport carriages and horses, as passengers and effects, and also a sufficient number of good and substantial Row Boats, for the conveyance of passengers and effects across the said river, at the place appointed, and now used for the said Ferry with convenience and safety, and that the said boats shall always, during the said term be furnished and manned at the expense of the parties of the second part, with a sufficient number of sober and able bodied men, skilled in water service, to sail row and manage the same, and that the men to be so employed, shall at all reasonable times, be ready and willing to give their constant attendance at the said ferry, for the prompt and convenient transportation of passengers, and effects, across the said Ferry. Thirdly, that the said parties of the second part, their executors or administrators, at their own proper costs and expenses, shall forthwith and during the whole of the term hereby demised and granted, provide and keep the Steam Boat which they, the said parties of the second part, have exhibited to the said parties of the first part, as the one which they contemplate placing and running upon the said ferry, or another Steam Boat in lieu of the said Steam Boat, which shall be of as large a size as the said boat, and in all respects equally good, and well adapted for the accommodation of all persons passing the said ferry, as the said Steam Boat, which boat so substituted in lieu of the said boat, shall be such as shall be approved by the said parties of the first part. And if in the opinion of the said parties of the first part,

Lessees to provide Boats.

Lessees to provide a steamboat.

Lessees to substitute team boats for steam boats if required.

the public shall not be as well accommodated by having the said Steam Boat upon the said ferry, as they would be by having two good and substantial horse or team boats, each propelled by at least eight horses, and sufficiently large and adapted, as well to carry and transport carriages and horses, as passengers and effects across the said river, at the place appointed for the said ferry, with convenience and safety, and furnished and manned, with a sufficient number of sober and able bodied men, skilled in water service, to manage the same, that then they the said parties of the second part, shall when required so to do by the said parties of the first part, put on the said ferry, and at all reasonable times, keep running upon the same, during the residue of the said term, one such horse or team boat as aforesaid, and manned and equipped as aforesaid, in addition to the said Steam Boat. Fourthly, that they the said parties of the second part their executors or administrators, nor any other person or persons employed by them, shall not nor will during the said term hereby demised, ask, demand or receive any higher or greater toll or fare, for the transportation of passengers, carriages, horses or effects, across the river in the boats of the said ferry, than the lessees of the ferry from the foot of Courtlandt street to Powles Hook, are now allowed to receive for like services. Fifthly, that the said parties of the second part, their executors or administrators, shall not during the said term, sell, transfer or grant this lease or any part thereof, or the said ferry or any part thereof, directly or indirectly, to any person or persons whomsoever, or incumber the same without the leave of the parties of the first part or their successors, first had and obtained in writing, under their common seal, nor shall commit or suffer to be done, any thing which may create a forfeiture of the said ferry, or lessen, injure or incumber the

Ferriage to be charged as at Paulus Hook.

Lease not to be transferred or incumbered without consent of Corporation.

same, or the revenue thereof. Sixthly, that the said parties of the second part, their executors, administrators, or assigns shall and will, at the expiration or sooner determination of the said term, peaceably yield and deliver up to the parties of the first part, their successors or assigns, the aforesaid ferry, with all the appurtenances thereto belonging, excepting the boats employed thereon. Seventhly, that the said parties of the second part, their executors or administrators, shall and will continue to keep the said ferry at the foot of Barclay street, and that during the said term, the said ferry shall be kept at the foot of Barclay street. And further that the said parties of the second part, their executors, administrators and assigns shall and at his and their own proper costs and charges, keep the bulkhead and wharf at the foot of Barclay street, in good repair, and make all needful and necessary reparations and amendments, when and as often as the said premises shall require repairing and amendment, during said term. And the said parties of the first part, for themselves and their successors, do covenant and grant to and with the said parties of the second part, their executors and administrators, that the said parties of the first part, and their successors shall and will permit the said parties of the second part, their executors, or administrators, to hold, occupy and enjoy the bulkhead at the foot of Barclay street, for their use, for the accommodation of the boats which may be employed on the said ferry, during the said term, but for no other use or purpose whatsoever. And it is hereby mutually agreed between the parties aforesaid, any thing herein contained to the contrary in any wise notwithstanding, that it shall not be obligatory upon the said parties of the first part, or their successors, to furnish the said parties of the second part, or their executors or adminis-

Ferry to be surrendered at the expiration of lease.

Lessees to keep in repair the bulkhead and wharf at foot of Barclay street.

Foot of Barclay-st. to be used for the Ferry only.

trators, any other or further accommodation for the said ferry, or the boat or boats employed thereon. And the said parties of the first part, for themselves and their successors, do further covenant to and with the said parties of the second part, their executors and administrators, that they the said parties of the first part, will not during the term hereby granted, establish any ferry from the northerly limits of the New York and New Jersey Steam Boat Company, to the North Battery at the foot of Hubert street. And that the parties of the second part, their executors and administrators, well and truly paying the rents and performing the covenants, articles and agreements herein mentioned and contained, shall and may at all times during the continuance of the said term, peaceably hold and enjoy the said ferry, with all the rights and appurtenances thereunto lawfully belonging. In testimony whereof, to one part of these presents remaining with the said, the Mayor, Aldermen and Commonalty of the City of New York, the said parties of the second part, have respectively set their hands and seals, and to the other part thereof remaining with the said parties of the second part, the said, the Mayor, Aldermen and Commonalty of the City of New York, have caused the common seal of the said City to be affixed, the day and year first above written.

No other ferry to be established within certain limits.

Sealed and delivered } JOHN C. STEVENS, [L. S.]
in the presence of } ROBT. L. STEVENS, [L. S.]

OGDEN EDWARDS, by John C. Stevens.

O. J. CAMMANN, by Robt. L. Stevens.

HOBOKEN STREET FERRY.

This Indenture made the first day of May, in the year of our Lord one thousand eight hundred and twenty-three, between the Mayor, Aldermen and Commonalty of the City of New York of the first, and John C. Stevens and Robert L. Stevens of the second part, Witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants and agreements hereinafter mentioned on the part and behalf of the said parties of the second part, their executors, administrators and assigns, well and truly to be paid, observed, performed, and kept according to the true intent and meaning of these presents, have granted, demised, and to farm letten, and by these presents do grant, demise, and to farm let unto the said parties of the second part, their executors, administrators and assigns, the exclusive right of establishing a Ferry, and of transportation for hire, passengers, horses, cattle, carts, carriages and wagons, goods, merchandize, and things whatsoever, for the first five years of the term hereby demised, from a certain place lying on the Hudson River, in the said city, and being eighty feet (be the same more or less) west of Washington street, at the termination of a certain street, or intended street of thirty feet in width, not yet named, but extending from Washington street towards the contemplated line of West street, between ground the site of the late Canal street Basin on the north side, and ground now, or lately belonging to Alexander L. Stewart, on the south side, and for the residue of the said term, hereby demised from such other place or places in the vicinity of the foot of

Ferry granted.

From foot of Hoboken street, N. Y., to Hoboken, N. J.

Canal street, as may be hereafter designated by the said parties of the first part, or their successors, to Hoboken, and from thence back again, together with all the rents, profits, privileges, ferriages, advantages and emoluments arising therefrom; to have and to hold the same unto the said parties of the second part, their executors, administrators and assigns, for and during, and until the full end and term of twelve years from the first day of May, in the year of our Lord one thousand eight hundred and twenty-three, fully to be complete and ended, yielding and paying therefor yearly and every year, during the first two years ending on the first day of May, in the year of our Lord one thousand eight hundred and twenty-five, the yearly rent of one cent, if lawfully demanded, and yielding and paying therefor during the next five years thereafter, and ending on the first day of May, in the year of our Lord one thousand eight hundred and thirty, the yearly rent of fifty dollars, in quarter yearly payments, and yielding and paying therefor, during the residue of the said term hereby granted and demised, the yearly rent of two hundred dollars in equal quarter yearly payments, on the first days of August, November, February and May, in each and every of the said years. And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, covenant, grant, promise and agree to, and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their executors, administrators, or assigns, shall and will, well and truly pay or cause to be paid to the said parties of the first part, their successors and assigns, the said yearly rents hereinbefore severally mentioned at the several and respective terms above limited and appointed for the payment thereof as aforesaid; and also, that they shall and will forthwith, put

For twelve years from 1st May, 1823.

Rent two years one cent; five years $50; five years $200.

two good and substantial Sail Boats on the said Ferry, of such size and construction as may be required by the said parties of the first part, or their successors.

Lessees to provide 2 Sail boats.

And also, that they shall and will forthwith, upon the execution of these presents, and thenceforth during the continuance of the said term, at their own proper costs, charges, and expense, at all times during the said term, find, furnish and provide, maintain, keep and navigate one good and substantial Steam Ferry Boat of the same size, construction and efficiency, as the Steam Boat now on the Barclay street Ferry, and such as may be approved of by the Ferry Committee for the time being, of the said parties of the first part, or their successors, to carry, transport and convey passengers, horses, cattle, carts, carriages and wagons, goods, merchandize, and things whatsoever, across the said River, between the places aforesaid, with safety, convenience and expedition; and also, to keep the said Sail Boats and Steam Boats at all times during the said term, hereby granted and demised, in good repair, and to furnish the same at all times with a sufficient number of suitable and proper implements, tackle and necessaries, at the proper costs and charges of the said parties of the second part, their executors, administrators and assigns; and also, that the said parties of the second part, their executors, administrators and assigns, shall and will at all times during the said term, provide and maintain a sufficient number of sober, honest, skilful and able bodied men, who shall be competent to manage the said boats, and also, that the said men so to be employed, shall at all reasonable times give their constant and ready attendance at the said Ferry on both sides, for the prompt and expeditious transportation of passengers, horses, cattle, merchandize, goods, effects and things, as aforesaid, across

And a steam ferry boat.

Equal to the one at the Barclay street Ferry.

Sail boats and steam boats to be kept in good repair and well furnished.

Hours of starting and employment.

the said River, and in such manner as that the said Steam Boat may leave the place assigned, or to be assigned as aforesaid, for its landing on the New York shore from Hoboken aforesaid, once at least in every hour from sunrise to sunset.

Not to transfer without leave.

And also, that the said party of the second part, their executors, administrators and assigns, shall not nor will during the said term hereby demised, in any manner grant, assign, transfer or set over this present lease, or any part thereof, without the leave or consent of the said parties of the first part, or their successors, first had and obtained in writing, under their common seal.

Ferry how to be conducted.

And also that they shall and will conduct and manage the said Ferry, agreeably to such rules, regulations and restrictions as now, or from time to time hereafter, during the said term, shall by any by-law, ordinance or resolution of the said parties of the first part, or their successors, be reasonably made or passed, in relation to the same.

Premises to be surrendered at the expiration of lease.

And also, quietly and peaceably to yield, and deliver up the possession of the said premises, and every part thereof, at the expiration or other sooner determination of the said term of years, to the said parties of the first part, or their successors.

Provision in case of default of Lessees.

Provided always nevertheless, that if the said yearly rent so reserved, or any part thereof, shall be behind or unpaid for the period of ten days, after any day of payment, on which the same ought to be paid, as aforesaid, or if the said parties of the second part, their executors, administrators or assigns, do or shall neglect or omit to pay, perform, fulfil and keep, any or either of the payments, articles, covenants, clauses, arrangements, matters or things herein contained, which on the part and behalf of the said parties of the second part, their executors, administrators and assigns, are to be paid, performed, fulfilled and kept, during the

said term hereby demised, according to the true intent and meaning of these presents, that then and in every or all such case or cases, all the covenants, articles, stipulations and agreements, on the part and behalf of the said parties of the first part, or their successors herein mentioned and contained, to be by them done, performed or complied with, shall be utterly null and void. And it shall be lawful to and for the said parties of the first part, and their successors, to re-enter upon the premises hereby demised, and to have, possess and enjoy the same again, as fully and completely, as though these presents had never been made, any thing herein contained to the contrary thereof, in any wise, notwithstanding.

No other ferry to be established within certain limits.

And the said parties of the first part, do for themselves and their successors, covenant and agree to and with the said parties of the second part, their executors, administrators and assigns, that they will not, during the continuance of the term hereby granted, part to any other person or persons whatsoever, the right of establishing a ferry from any other point on the New York shore, on the North or Hudson river, from the North Battery, at the foot of Hubert street to the foot of Christopher street, across the North or Hudson river to the New Jersey shore, excepting to and from the old ferry or landing place at Weehawk, or to or from any point or place in Jersey, north of Weehawk; and the said parties of the first part, for themselves and their successors, do further covenant and grant to and with the said parties of the second part, their executors, administrators and assigns, that provided they shall and do, in all things well and truly keep and perform, all and singular, the covenants, agreements, articles and stipulations herein mentioned and set forth, to be by them done, performed and kept, that then they the said parties of the first part, shall

On a full compliance, the Corporation will extend the grant for the Barclay street ferry

and will extend the grant of the ferry established from the foot of Barclay street, in the city of New York, across the North River to Hoboken, and which was granted in and by a certain Indenture, dated the twenty-ninth day of April, one thousand eight hundred and twenty-two, between the parties to these presents, to the said parties of the second part, their executors, administrators and assigns, until the expiration of the term of the ferry hereby granted, upon the same terms as are in said Indenture stated and set forth, upon the said parties of the second part, their executors, administrators and assigns, stipulating for the payment of an annual rent for the said Barclay street Ferry of eight hundred dollars, payable quarter yearly, for and during the term of time for which the said lease shall be so extended; and the said parties of the second part do hereby further covenant and grant, for themselves, their heirs, executors, administrators and assigns, to and with the said parties of the first part, that they, the said parties of the second part, their executors, administrators and assigns, shall and will during the term for which their said lease shall be so extended, well and truly perform, fulfil and keep, all and singular, the covenants and stipulations on their part to be performed, fulfilled and kept, during the time which the said lease may be so extended, and also will well and truly pay unto the said parties of the first part, their successors or assigns, the annual rent of eight hundred dollars, in equal quarterly payments in the manner and at the times mentioned and set forth in the said Indenture. And the said parties of the second part do further covenant as aforesaid, that they will at their own expense, furnish, keep in good repair, sustain, and uphold the landing places for the ferry first above mentioned, as at present or here-

Rent of the Barclay-st. ferry for the extended term, $800 per annum.

Lessees to furnish and keep in repair the landing places and bulkhead.

after to be located, and the bulkheads in front of the same.

IN WITNESS WHEREOF, to one part of these Indentures remaining with the said parties of the first part, the said parties of the second part have set their hands and seals: and to the other part thereof remaining with the said parties of the second part, the said parties of the first part have caused the common seal of the said city to be affixed, the day and year first above written.

Signed, sealed and delivered in the presence of } JOHN C. STEVENS, [L. S.]
} ROB'T. L. STEVENS, [L. S.]
T. J. WATERS.

STATEN ISLAND FERRY.

This Indenture, made the sixteenth day of July in the year of our Lord one thousand eight hundred and twenty-seven, between the Mayor, Aldermen and Commonalty of the City of New York, of the first part, and the President Directors and Company of the Fulton Bank, of the City of New York, of the second part: Witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, payments, articles and agreements hereinafter mentioned and contained, on the part and behalf of the said parties of the second part, their successors and assigns, to be paid, done, performed, fulfilled and kept; have demised, granted and to farm letten, and by these presents do demise, grant and to farm let, unto the said parties of the second part, all that certain bridge,

Bridge, ferry house and bulkhead at Whitehall slip, granted.

ferry house, and bulkhead, with the appurtenances, situate, lying and being in the First Ward of the City of New York, on the westerly side of Whitehall slip, and adjoining the boat house of the United States of America, and the Printers' boat house which are now situated there, and being all those premises, which in the map hereto annexed, are colored red; and also, a safe and convenient berth along the southerly side of the said premises, for the steam boat which is now run by the said parties of the second part, from the said premises, to Staten Island, (the said premises and berth to be used for the accommodation of the ferry hereinafter mentioned, and no other purpose.) Together with a right of ferrying and transporting passengers, horses, carriages and freight to and from the same premises, and by means thereof to and from the dock on Staten Island, now used as a landing place for such purposes by the said parties of the second part; and the right of receiving reasonable ferriages, for such ferrying and transportation, during the term hereinafter mentioned: to have and to hold, the before mentioned and described premises, unto the said parties of the second part, from the first day of May last past, for and during and until the full end and term of ten years, thence next ensuing, and fully to be complete and ended. Yielding and paying therefor unto the said parties of the first part, their successors and assigns, the yearly rent of four hundred dollars, lawful money of the United States of America, which said yearly rent shall be paid on the usual quarterly days of payment, that is to say, one hundred dollars on the first day of August, and the like sum on the first days of November, February and May, in each and every year during the said term, the first payment to be made on the first day of August next; and the said parties of the second part, for themselves, their

For the exclusive use of the ferry to Staten Island.

Ferry granted.

For ten years, from 1st May, 1827.

Rent $400 per annum

successors and assigns, do covenant, promise and agree to and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their successors and assigns, shall and will, during the said term, well and truly pay or cause to be paid unto the said parties of the first part, their successors and assigns, the said yearly rents above reserved, on the days and times above limited for the payment thereof, without any deduction as aforesaid: Provided always, that if the said yearly rents above reserved, or any part thereof, shall be behind or unpaid, in part or in all, by the space of ten days, next after any day of payment, on which the same ought to be paid as aforesaid, or if the said parties of the second part, their successors or assigns, shall and do not, in all things, well and sufficiently observe, perform, fulfil and keep, all and singular the covenants, articles, clauses, agreements, matters and things herein contained, which on their part and behalf are to be observed, performed, fulfilled and kept, during the said term, then and from thenceforth, it shall and may be lawful to and for the said parties of the first part, their successors and assigns, into all the said demised premises, wholly to re-enter, and the same to have again, re-possess and enjoy, as in their former estate, any thing hereinbefore contained to the contrary notwithstanding: And the said parties of the second part, for themselves, their successors and assigns, do covenant promise and agree to and with the said parties of the first part, their successors and assigns, by these presents, that they, the said parties of the second part, their successors and assigns, shall and will, during the said term hereby demised, at their own proper costs, charges and expenses, find, furnish, provide, maintain, keep and navigate a good and substantial Steam Ferry Boat, to ply

In case of default of lessees.

Lessees to provide a steam ferry boat.

and continually be employed at all proper times from the premises hereby demised, to the dock above mentioned on Staten Island, now used as a landing place by the said parties of the second part, and from thence back again to the said premises herein and hereby demised: And also, that they, the said parties of the second part, their successors and assigns, shall and will from time to time and at all times hereafter, during the said term, at their own proper costs and charges, well and sufficiently repair, support, uphold, sustain, maintain, amend and keep the premises herein and hereby demised, and the wharves, bulkheads, and bridges, and appurtenances thereunto belonging, or in any wise appertaining. And further, that the said parties of the second part, their successors and assigns, the said premises herein and hereby demised, and the wharves, bulkheads, bridges and appurtenances thereunto belonging, or in any wise appertaining, so being well and sufficiently repaired, supported, upheld, maintained, sustained, amended and kept, and every thing herein and hereby demised, with the appurtenances, at the end of the said term, or other sooner determination of these presents, shall and will peaceably and quietly leave, surrender and yield up, in good order and condition, into the hands and possession of the said parties of the first part, their successors or assigns. And also, that the said parties of the second part, shall not, nor will, during the said term, assign, transfer, set over, under let, or in any other manner convey this present Lease, or any part thereof, or the above described and demised premises, or any part thereof, without the leave and consent of the said parties of the first part, or their successors, first had and obtained in writing, under their common seal. Provided always, and the premises hereby demised are upon this express condition, any thing here-

Lessees to keep in repair the premises, and to wharves, bridges, &c

Covenants for surrender of the premises, &c.

Lease not to be transferred without consent

in contained to the contrary notwithstanding, that if at any time prior to the expiration of the term hereby demised, the said parties of the first part, or their successors, shall think fit to require possession of the hereby demised premises, then it shall be lawful for them and their successors to enter upon, and take possession of the same, upon giving three months' notice to the said parties of the second part; and that from that time forward, all the right, title and interest of the said parties of the second part, and of their successors and assigns, in and to the said demised premises, shall cease and determine, and the rent hereby reserved shall thenceforth cease to be payable to the said parties of the first part. And provided further, and these presents are upon this further express condition, that nothing in these presents contained, shall be taken or construed to interfere in any manner with any previous grants or rights made by the said parties of the first part, nor with the right to grant any future Ferries to and from Staten Island, or to and from elsewhere, wheresoever; nor to operate as a covenant of the said parties of the first part, or their successors, for possession or quiet enjoyment by the said parties of the second part, their successors and assigns of the said Ferry and right of ferriage, nor to operate further than to grant the possession of the Estate, right, title, or interest they have or may lawfully claim in the said Ferry and right of ferriage, by virtue of their several charters, and various acts of the Legislature of the people of the State of New York.

Corporation may re-enter prior to the expiration of Lease, by giving 3 months' notice.

This is not to interfere with any Ferry grants made or to be made.

In Witness whereof, to one part of these presents, remaining with the said parties of the first part, the said parties of the second part, have affixed their Corporate Seal; and to the other part thereof, remaining

with the said parties of the second part, the said parties of the first part have caused the Common Seal of the city of New York to be affixed, the day and year first above written.

JOHN ADAMS, *President*, [L. S.]

O. H. HICKS, *Cashier*.

ELIZABETH TOWN POINT FERRY.

This Indenture, made the first day of August, in the year of our Lord one thousand eight hundred and twenty-three, between the Mayor, Aldermen, and Commonalty of the city of New York of the first part, and Moses Jaques and Elias B. D. Ogden of the second part, Witnesseth, that the said parties of the first part for, and in consideration of the rents, covenants, conditions, and agreements, hereinafter reserved and contained, and which, on the part and behalf of the said parties of the second part, their executors, administrators and assigns, are, and ought to be paid, kept, done and performed, have demised, granted and to farm letten, and by these presents do demise, grant and to farm let, unto the said parties of the second part, their executors, administrators and assigns, all the ground under water, situate lying and being in the First Ward of the city of New York, in Whitehall Slip, and adjacent to and bounded by the bulkhead or wharf forming the westerly side of Whitehall Slip, and projecting easterly into said Slip, and beginning at the commencement of the Ferry stairs, which runs northerly from the southerly end or projection of the said bulkhead or wharf, along the westerly side of

Part of Whitehall Slip and bulkhead granted.

Whitehall Slip aforesaid, and extending northerly therefrom, along the said bulkhead or wharf, on the line of Whitehall street, and on the westerly side of said Slip, one hundred and twenty feet in length, and eastwardly in breadth such distance into the said Slip, as will afford (after the piles hereinafter mentioned, shall be driven and fixed into the ground as hereinafter mentioned,) a safe and convenient berth for the Steam Boat which now runs from the said bulkhead or wharf to Mersereau's Point on Staten Island, and Elizabeth Town Point in New Jersey. Together with right of ferrying and transporting passengers, horses, carriages and freight, to and from the same premises, and by means thereof to and from Elizabeth Town Point, in New Jersey, and Mersereau's Point on Staten Island respectively, and of receiving reasonable ferriages for such ferrying and transportation during the term hereinafter mentioned. To have and to hold the said premises, and every part and parcel thereof with the appurtenance unto the said parties of the second part, their executors, administrators and assigns, from the first day of May, next ensuing the date of these presents, for, and during, and until the full end and term of thirteen years, thence next ensuing, and fully to be complete and ended; yielding and paying therefor to the said parties of the first part, their executors and assigns, the sum of one hundred and seventy-five dollars, lawful money of the United States of America, yearly, and each and every year, during the first three years of the said term herein and hereby demised, and the sum of two hundred dollars of like lawful money, yearly and each and every year, during the residue of the said term, herein and hereby demised; the said yearly rents to be paid in quarterly payments, on the first day of August, November, February and May, in each and every year

Ferry granted from White hall Slip to Elizabeth Town Point.

For thirteen years, from first May, 1824.

Rent $175 per annum for three years, and afterwards $200 per annum.

during the said term; and the said parties of the second part, for themselves, their executors, administrators and assigns, do covenant, promise and grant, to and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their executors, administrators and assigns shall and will during the said term, well and truly pay, or cause to be paid unto the said parties of the first part, their successors or assigns, the said yearly rents above reserved, on the days and times above limited for payment thereof, without any deduction as aforesaid.

Provision in case of default of Lessees.

Provided always, that if the said yearly rents above reserved, or any part thereof, shall be behind and unpaid in part or in all, by the space of ten days next after any of the days above mentioned for the payment thereof, during the said term, that then, and from thenceforth it shall and may be lawful for the said parties of the first part, their successors and assigns, into all the said demised premises, and every part thereof, wholly to re-enter, and the same to have again, re-possess and enjoy, as in their former estate, any thing herein contained to the contrary notwithstanding; and provided further, that if it should so happen, that all or any of the covenants, conditions and agreements hereinafter mentioned, reserved and contained, and which on the part and behalf of the said parties of the second part, their executors, administrators and assigns, are and ought to be kept, done and performed, should not be so kept, done and performed, then and in such case it shall and may be lawful for the said parties of the first part, their successors and assigns, to enter upon the said demised premises, the whole to have again, re-possess and enjoy, as if this Lease had never been made, any thing herein before contained to the contrary, thereof in any wise

notwithstanding. And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant and agree to, and with the said parties of the first part, their successors and assigns, that they the said parties of the second part, their executors administrators and assigns, during the said term of thirteen years, herein and hereby demised, shall and will, at their own proper costs, charges and expenses, find, furnish, provide, maintain, keep and navigate a good and substantial Steam Ferry Boat to ply and continually be employed at all proper times from the premises hereby demised, to Elizabeth Town Point, in New Jersey, and from thence back again to the premises herein and hereby demised, touching at Mersereau's Point on Staten Island, both going and returning, unless prevented therefrom under some law or laws of the states of New York or New Jersey, and in such case some other good and sufficient boat or boats. And also, that the said parties of the second part, their executors, administrators and assigns, shall and will from time to time, and at all times hereafter, during the said term, at their own proper costs and charges, well and sufficiently repair, support, uphold, sustain, maintain, amend and keep the premises herein and hereby demised, and the wharves bulkheads, bridges and appurtenances thereunto belonging, or in any wise appertaining. And further, that the said parties of the second part, their executors, administrators and assigns, the said premises herein and hereby demised, and the wharves, bulkheads, bridges, and appurtenances, thereunto belonging, or in any wise appertaining, so being well and sufficiently repaired, supported, upheld, sustained, maintained, amended and kept, and every thing herein and hereby demised, with the appurtenances at the end of the said term, or other sooner determination of these presents, shall

Lessees to provide a steam ferry boat.

To touch at Mersereau's Point, Staten Island.

Lessees to keep in repair the wharves, bridges,&c

Covenant for surrendering.

and will peaceably and quietly leave, surrender and yield up in good order and condition to the said parties of the first part, their successors or assigns.

Not to be transferred without consent.

And also that the said parties of the second part, their executors, administrators or assigns, shall not nor will during the said term, assign, transfer, set over, under let, or in any other manner convey this present Lease, or any part thereof, or the above described and demised premises, or any part thereof, without the leave and consent of the said parties of the first part, their suceessors or assigns, in writing first had and obtained. And the said parties of the first part, for themselves, their successors and assigns, do covenant, grant and agree, to and with the said parties of the second part, their executors, administrators and assigns, that they the said parties of the second part, their executors, administrators and as-

Lessees may drive piles.

signs, shall and may, at any time or times during the said term herein and hereby demised, drive and fix into the ground underneath the water, at the distance of two feet east from the Ferry stairs above mentioned, and along the whole length of the premises herein and hereby demised, and in line with the piles opposite the Ferry stairs aforesaid, piles of wood in such manner as to them may seem proper. And also, that

Lessees may erect buildings or lodges for passengers and baggage.

the said parties of the second part, their executors, administrators and assigns, shall and may erect and set up, on or over the premises herein and hereby demised, two small buildings or lodges, to be constructed of wood of the usual and ordinary dimensions to be used for the purpose of depositing baggage, and sheltering passengers, and for no other purpose whatever. And the said parties of the second part, for

Lessees to remove piles at the expiration of lease.

themselves, their heirs, executors, administrators and assigns, do covenant, grant, promise and agree, to and with the said parties of the first part, their successors

and assigns, that they the said parties of the second part, their executors, administrators and assigns, shall and will before the expiration of this Lease, or in case of any sooner determination of these presents, then within ten days after notice to that effect in writing from the said parties of the first part, their successors or assigns, or their agent, remove and take away the said wooden piles, and the said wooden buildings from out and off the premises herein and hereby demised. But it is hereby mutually covenanted and agreed by and between the parties to these presents, and these presents are upon the express understanding, that nothing in these presents contained, shall be taken or construed to operate as a covenant by the said parties of the first part, or their successors, for possession or quiet enjoyment by the said parties of the second part, their executors administrators or assigns of the said Ferry and right of ferriage, nor to operate further than to pass the possession of the estate, right, title, or interest, which the said parties of the first have or may lawfully claim, by virtue of their several charters, and various acts of the Legislature of the people of the State of New York, of, in and to the said Ferry and premises, with the appurtenances above described, for the term above mentioned.

In witness whereof, to one part of these presents remaining with the said parties of the second part, the said parties of the first part have caused the common seal of the said city of New York to be affixed; and to the other part thereof, remaining with the said parties of the first part, the said parties of the second part have affixed their hands and seals the day and year first above written.

Sealed and delivered in the presence of M. ULSHOEFFER. } MOSES JAQUES, [L. S.]

ELIAS B. D. OGDEN, [L. S.]

DOCUMENT NO. XXVII.

BOARD OF ASSISTANTS.

OCTOBER 22, 1832.

Report of the Road and Canal Committee, on a Resolution of Alderman Murray, hereto annexed, for an appropriation of $2,500 to render the Eighth Avenue passable. And also on the Report of Aldermen Hall and Barnes, relative to the Third Avenue. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Road and Canal Committee would

RESPECTFULLY REPORT,

Upon the following Resolutions, offered upon the last meeting of the Board, touching the Regulation and MacAdamizing of the Third Avenue : viz :—

By Alderman Mandeville, having for its end the stoppage of payment by the Comptroller, of money for labor on the said Avenue, beyond the six mile stone,

By Alderman Whiting, "That the Road and Canal Committee cause the Third Avenue to be made passable and safe for travelers, at the least possible expense, and that all work thereon *then* cease, and that the Street Commissioner advertise for estimates to complete the same by contract," and

By Alderman James Palmer, "That the Comptroller discontinue further payment of money for excavating or MacAdamizing the Third Avenue, until the further order of the Common Council."

Your Committee would state, that in reply to the first resolution, by Alderman Mandeville, the work *beyond,* or near the six mile stone, has ceased by order of the Committee, saving the necessary transportation of stone and of earth excavated from below the six mile stone.

To the resolution offered by Alderman Whiting, having for its purpose the final completion of the Avenue, it may be remarked, it is believed to be in accordance with the wishes of the public at large; and to the same end, no doubt, that of Alderman Palmer tends, as that gentleman offered the original resolution for the MacAdamizing the Avenue in question, entirely to Harlaem Bridge.

Your Committee have after mature reflection, and practical observation, come to the conclusion, that the Third Avenue ought to be completed upon the plan commenced in the year 1830, and more especially so, as the work, in their opinion, meets the views of the community at large, as well as most of the largest land holders and tax payers in the lower parts of the city, as appears by a petition now before your Committee, referred to them at the last meeting of your Board.

It would appear to your Committee, that it only now remains for them to submit to the Board the cost of the Third Avenue, from the commencement of the MacAdamized

work to the present time, together with their view of the propriety of completing the same.

By the returns of the Comptroller it appears, that during the year 1830, to the 23d of May, 1831, the sum paid out amounted to - - - - $18,500 00

This amount was expended on that part of the Avenue situate between the four and five mile stones, passing over Hamilton Square, and embracing about seven-eighths, or a little more of a mile.

From the month of July, 1831, to the 26th December of the same year, the sum paid out by the Comptroller amounted to - - - 19,473 71

The sum paid out by the same officer, appears by his return to be from May 14th, 1832, to the 28th of the same month, - - - 10,000 00

Making the sum paid out to that time - $47,973 71

The bills lying *unpaid* in the Comptroller's Office, for work done up to the 16th June last, amount to the sum of - - - 21,165 42

Towards this last sum, an appropriation of $10,000 passed this Board, and was concurred in by the Board of Assistants, with an *amendment*, which now lies upon your table, which the Committee would recommend to the notice especially of the Board the present sitting.

Subsequently, the amount of payments made by the Comptroller, towards the completing of the work in question, is - - - 23,000 00

Making the total amount of expenditure, and of claims for work done, the sum of - - $92,139 13

Your Committee would state for the information of the Board, that the Avenue is completely MacAdamized and finished, (saving some trifling work to be done on gutters,) up to Ninetieth street, and that in their opinion, the work might cease at a distance from thence, of about three-fourths of a mile, at One Hundred-and-ninth street, so far as Mac-Adamizing might be applied, and from thence to Harlaem Bridge, a distance of about three-fourths of a mile more, might be turnpiked and graveled in a manner to suit public convenience, at a very trifling expense.

Your Committee is further of opinion, that no further ordinance is necessary for the purpose of finishing the said Avenue, more than is embraced in the following resolution, being convinced the work is going on as economically as could be done by contract.

Resolved, That the Third Avenue be MacAdamized from the six mile stone to One-Hundred-and-ninth street, and from thence to Harlaem Bridge, regulated, turnpiked, and graveled, under the ordinance of appropriation, passed July 16th, 1832,

CHARLES HENRY HALL,
ERASTUS BARNES,
Road and Canal Committee.

Resolved, That the Street Commissioner be directed to cause the necessary repairs to be made on the Eighth Avenue, south of Bloomingdale Road, so as to render the same safe and convenient for travelers; and that the sum of Twenty-five Hundred Dollars be appropriated for that object.

JAMES B. MURRAY.

The Road and Canal Committee, to whom was referred a Resolution of Alderman Murray, asking for an appropriation of Twenty-five Hundred Dollars, to be applied for improving the Eighth Avenue to its intersection of the Bloomingdale Road, conformably to the profile in the Street Commissioner's Office,

REPORT,

That having given the matter serious consideration, and personally examining that part of the avenue, which is at present impassable, they therefore recommend a concurrence with that resolution.

Your Committee would also report, that they have carefully examined a statement referred to them, made by Aldermen Hall and Barnes, relative to the further progress of work on the Third Avenue; that report recommends that the MacAdamizing of said avenue be continued from its present termination to One Hundred-and-ninth street, a distance of about three-fourths of a mile, and that from One Hundred-and-ninth street to Harlaem Bridge, (about the same distance, three-fourths of a mile,) that it be regulated, turnpiked, and graveled.

Your Committee having visited the ground, and made minute inquiry as to the better mode of proceeding with the work, have concluded that the mode proposed is the best, and therefore recommend its adoption. The work is now progressing, and from the immense quantity of rock to be encountered, (although the distance is short,) it will be attended with a very heavy expense; and your Committee would respectfully submit it to the better judgment of the Board, whether it is better to continue the work as heretofore by day's work, or to direct the Street Commissioner to

advertise for contracts to finish the same under his superintendence.

Respectfully submitted by

D. Mc CARTHY,
Chairman,
WM. W. HOLLY,
JAMES MONROE,
Road and Canal Committee.

DOCUMENT NO. XXVIII.

BOARD OF ASSISTANTS.

OCTOBER 22, 1832.

Report of the Special Committee, to whom was referred the two Resolutions of Alderman Van Schaick, for Twenty Thousand Dollars each, for the use of the Board of Health. The Report and Documents submitted by the Special Committee were laid on the table, and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

New York, October 1, 1832.

THOMAS T. WOODRUFF, Esq.
Chairman of the Executive Committee of the Board of Health.

SIR,—Will you do me the favor to inform me, with a view of communicating the same to the Board of Assistants, what has been the compensation allowed to the various gentlemen

composing the Special Medical Council of the Board of Health; and at what periods the several payments have been made to them. Also, the sums of money that have been paid to each of the chiefs of the hospitals, during the recent epidemic, as well as to their various medical assistants.

I am Sir, respectfully,
Your most obedient servant,
GEORGE W. BRUEN,
Chairman.

New York, October 26, 1832.

GEORGE W. BRUEN, Esq.
Chairman of Special Committee.

SIR,—In reply to your inquiries of the 1st inst., I would respectfully inform you, that by a resolution of the Board of Health, bearing date the 15th ult., the compensation of the Special Medical Council was fixed at $25 per diem for the president, and $15 each for the members thereof. The payments were made on the 18th ult., as follows:

Alexander H. Stevens, M. D., *President*, from July 3d, to September 1st, 61 days, . .	$1,525 00
William J. McNevin, M. D., from July 3d, to September 1st, 61 days, ...	915 00
R. K. Hoffman, M. D., from July 3d, to September 1st, 61 days, ...	915 00
John Neilson, M. D., from July 3d, to August 20th, 49 days, ...	735 00
Joseph Bailey, M. D., from July 3d, to August 20th, 49 days, ...	735 00

Gilbert Smith, M. D., from July 3d, to August 20th, 49 days, ...	735 00
Hugh McLean, M. D., from July 3d, to August 20th, 49 days, ...	735 00
Anthony L. Anderson, M. D., from July 5th, to August 20th, 47 days, ...	715 00
	$7,000 00

The sums paid to the several physicians of the several hospitals and their medical assistants, are—

PARK HOSPITAL.

Peter C. Tappen, M. D., Physician, . .	$540 00
William P. Buel, M. D., Asssistant, . .	370 00
Edward T. Hitchcock, M. D., " . .	470 00
Tobias Purington, House Pupil, . . .	90 00
William Sharrock, do. . . .	105 00
William Smith, do. . . .	168 00
David H. Ross, do. . . .	174 00

GREENWICH HOSPITAL.

Stephen C. Roe, M. D., Physician, . .	$720 00
*Charles A. Lee, M. D., Assistant,	
Samuel L. Griswold, M. D., do. . .	400 00
A. N. Gunn, House Pupil, . . .	141 00
William Clarke, do.	87 00

RIVINGTON STREET HOSPITAL.

Marinus Willet, M. D., Physician, . .	$600 00
W. D. Cooper, M. D., Assistant, . .	600 00

*Not paid by the Executive Committee.

William Baxter, M. D., Assistant,	. .	370 00
George S. Armstrong, House Pupil,	. .	240 00
James Rice,	do. . .	168 00
Jared Linsley,	do. . .	160 00
Horatio Bartley,	do. . .	156 00

WATER STREET HOSPITAL.

Samuel Akerly, M. D., Physician,	. .	$800 00
John Graham, M. D., Assistant,	. .	580 00
C. R. Gillman, M. D., do.	. .	260 00
P. Garvey, House Pupil,		159 00
D. H. Carpenter, do		126 00

YORKVILLE HOSPITAL.

C. P. Heermans, M. D. Physician,	. .	$430 00
Joseph W. Bradshaw, Assistant,	. . .	169 00
Edgar F. Peck,	do. . . .	60 00
Stephen Moulton, House Pupil,	. . .	78 00
William M. Hall,	do. . . .	15 00
Thomas Allen,	do. . . .	111 00
Edward V. Brown,	do. . . .	90 00

BELLEVUE HOSPITAL.

James A. M. Gardiner,		$200 00
William M. Hobart,		170 00
Wilson Kellogg,		355 00
J. Harris Mulson,		240 00

ORANGE STREET HOSPITAL.

A. H. Smith, Physician,		$530 00
William Baxter, House Pupil,	. . .	220 00
F. G. Smyth,	do. . . .	126 00

The physicians of the Crosby street Hospital are not paid by the Executive Committee.

I am respectfully,
Your obedient servant,
THOMAS T. WOODRUFF,
Chairman Executive Com.
of the Board of Health.

New York, October 1*st*, 1832.

GEORGE W. BRUEN, Esq. *Chairman, &c.*

DEAR SIR,—The Treasurer of the Board of Health has received $80,000, and to satisfy the demands of the work people, nurses, and others, has been obliged to overdraw his account $14,660 80.

The Executive Committee inform him that they have bills on hand unpaid amounting to about $10,000. They suppose that an appropriation of $30,000 will pay these sums, and cover all the other claims now existing against the Board of Health ; this would make the whole appropriation $110,000.

From this, deduct about $10,000, being the value of lumber purchased for Blackwell's Island, for lumber saved from the buildings erected near the Sailors' Snug Harbor, and other places, and for the goods and furniture of the different hospitals, and temporary alms houses, sent and to be sent to the Alms House at Bellevue, and thirty-one casks chloride of lime on hand and to be sold. The nett expenditure will then not vary much from $100,000.

It may be well to remark, that $18,236 76 have been paid to the health wardens for cleansing their wards. This is ex-

clusive of the expenses of the ward stations for medicines and attendance on the poor, which are paid by the Executive Committee; and also exclusive of $5,710 84 paid and $201 19 unpaid, on the accounts for chloride of lime distributed among the wards, and charged to the general account of the Board of Health. When the ward accounts and those of the Executive Committee are all rendered, it will probably be found that the wards cost about two-fifths of the expenditure, and the hospitals and temporary alms houses the remaining three-fifths.

The Treasurer was induced to call for moderate sums as they were wanted, by the apprehension that a too extravagant expenditure might result from a lavish mode of appropriation.

As it is deemed expedient to continue the Crosby street Hospital, (now removed to Orange street,) some addition may finally be made to the expenses of the Board which are not now contemplated.

With great respect,
Your obedient servant,
M. VAN SCHAICK,
Treasurer Board of Health.

The Special Committee, to whom was referred the resolution of the Board of Aldermen, appropriating $20,000 to the use and disposal of the Board of Health beg leave to

REPORT,

That in compliance with the duties imposed on them, they addressed a communication to the Chairman of the Execu-

tive Committee, a copy of which with his reply thereto, together with a letter from the Treasurer of the same Committee, is hereunto annexed, which they beg leave to submit as a part of their report.

The details of the accounts and the various proceedings of the Board of Health, in their financial affairs, are more imperfect than could have been desired, especially as very many of the accounts are yet unsettled and there are besides, many demands against the Corporation for professional medical services yet unsatisfied. These demands are for the most part by those who have been in actual attendance upon the sick, and at a very moderate per diem allowance, as far as the Committee have been able to ascertain.

One of the largest items of the public expenditure during the prevalence of the late epidemic, is for the pay of the *Special Medical Council*—it amounts to *Seven Thousand Dollars*, exclusive of the Secretary or Clerk's salary, amounting to $280. The gentlemen who have received this sum out of the Public Treasury, by virtue of the authority of the Board of Health, appear to have acted somewhat in the capacity of consulting physicians, and to have been substituted so early as the 3d of July, to perform in part, the functions of the Resident Physician of the city; the officer known by the law and appointed by the authority of the State.

Your Committee have not understood that the Special Medical Council had any particular supervision of the hospitals, that they ever were requested to recommend any particular treatment of the disease; or that they considered it part of their office to visit any of the patients at the Medical Stations. However valuable may have been the services of these gentlemen, and they doubtless were of value in tranquilizing the public mind, by giving their fellow citizens good advice in a period of peculiar agitation, the Committee doubt

whether the Board of Health or the Common Council themselves, are authorised to create offices of any description at their own discretion, indefinite in their number and uncertain in their compensation.

The late expedient can be justified upon no consideration, but that of the terror which such a visitation was calculated to excite, in the minds of the most courageous, and which led every member of the Board of Health no doubt, to desire to bring to the aid of the public, that particular medical adviser in whose skill and science he himself reposed the highest confidence.

The Committee are bound to declare, that in soliciting the aid of so many medical advisers, and in declining the gratuitous services of a most respectable portion of the medical profession; in superseding in effect the Resident Physician without sufficient cause, the Board of Health, have, in their opinion, transcended the limits of their own authority, and added unnecessarily to the pecuniary burdens occasioned by the late epidemic. Many of the gentlemen who have been engaged in actual attendance upon the hospitals, whom it would be invidious to name, where all have done so well, have won for themselves a well earned reputation, the value of which cannot be measured by the small compensation they have received from the Board of Health, and which their necessities have reluctantly compelled them to accept.

It would appear that the late Crosby street Hospital has been transferred to Orange street. It has been under the charge of the Alderman of the Sixth Ward. The Committee are not informed what sum of money has been paid, or it is intended to pay to this gentleman, for the many and valuable services he has rendered to his fellow citizens.

The peril of a man's life, in the discharge of his duties as a magistrate and conservator of the public health, in a time of pestilence is not less heroic, or less worthy of the grati-

tude of his country, than any other deed of renown which history records: and although the constitution of the city forbids that any member of the Common Council shall receive a pecuniary consideration from the Body of which he is a member—these services constitute a claim upon their fellow citizens for which they have not lost their reward.

Your Committee feel gratified in being able to state, that the unwearied industry of the Executive Committee, and the exertions of the Board of Health generally, deserve the confidence of their fellow citizens. In a time of great difficulty they were at their post, and one of them fell a victim in the discharge of his duty.

The Committee in conclusion, recommend the adoption of the following resolution:

Resolved, That this Board concur with the Board of Aldermen, that *Twenty Thousand Dollars* be appropriated to the use of the Board of Health.

GEO. W. BRUEN,
Chairman.

D. BANKS,
WM. VAN WYCK,
D. McCARTHY.

DOCUMENT NO. XXIX.

BOARD OF ASSISTANTS.

OCTOBER 29, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, OCTOBER 29, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution that the Collector of Taxes receive from Henry Brevoort Twenty Dollars and five cents arrears of Tax, 1829,

Resolution for Warrant in favor of George Wood, for One Hundred and Fifty Dollars, in payment of his claim on account of a suit in New Jersey,

Resolution in relation to the closing Fitz Roy Road,

Resolution in relation to the filling ground at Second Avenue and Stuyvesant street,

Resolution approving the security offered by the Superintendent of Wharves and Piers,

And four Ordinances presented by the Street Commissioner.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XXX.

BOARD OF ASSISTANTS.

NOVEMBER 12, 1832.

Report of the Street Commissioner, on the subject of opening a new street, on the Resolution offered by Assistant Alderman Holly. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Resolved, That it be referred to the Street Commissioner, to report a plan of the most eligible route, for opening a new street, (or so widening and regulating some one of the streets, as at present laid down in the map,) from the lower part of the city running northwardly, which may be made a thoroughfare, and divert a part of the present travel on Broadway; with his views as to the expediency of the measure, and the best plan for carrying it into effect.

WM. W. HOLLY.

The Street Commissioner, in obedience to the annexed resolution begs leave

RESPECTFULLY TO REPORT,

That he has viewed the subject matter of this resolution, which presents a copious field for examination, in all its bearings and prospective consequences to the future increase of this city, and is a subject worthy of the deliberation of the Common Council.

There needs no arguments to show, that estimating from what has been, to what will be, the city of New York from its superior location, and its present concentration of the great commercial business of the northern part of the western continent, is destined to contain a population of more than a million of souls, within half a century.

These premises must be admitted by every candid observer; and it is much to be regretted, that the fathers of the city, who have gone before us, had not looked forward at an early day, and prepared the plans of the city to suit the present and future wants and accommodation of such a population, as must and will be located on this island.

It is apparent at this time, that the present population have not all the facilities, conveniences and safety which they require, in having but two leading avenues to the lower part of the city, and these two uniting at St. Paul's Church, and from that point to the great business part of the city, only one.

The question then presents itself in a strong and forcible manner—*What plan can be devised and adopted, to relieve these two leading streets, (Broadway and Chatham,) from the present throng of passing carriages and vehicles, which are now inconvenient and dangerous, and which will be much more so,*

every succeeding year? And has the time arrived when such plan ought to be devised and prosecuted? In the opinion of the Street Commissioner, the time has arrived when such plan ought to be projected and carried forward; and to delay it, would only be increasing the difficulties of effecting it.

When we look at the plan of the city on its eastern side, as it is now built, between Catharine street and Whitehall, it presents difficulties of a prominent kind, to point out how any leading and important street can be formed through it, without too great a destruction of property.

The great shipping business seems now to be confined to the First, Second and Fourth Wards, and the great advantages of this location for the shipping going to foreign ports is such, that it will remain the most prominent point, for a long time to come, for this business.

This fact well establishes another: viz.—That the concentration of business must and will remain in these three wards, for some time to come; and these premises being admitted, the importance of more convenient avenues to reach this business location, follows as a matter of course.

In looking over the map of the city, the Street Commissioner finds that a project has been set on foot, by enterprizing individuals, to widen William street, between Wall street and Frankfort street, and from Frankfort street, open a direct continuation of William street into Chatham street to strike near the intersection of Chatham and Chamber streets. This plan has been surveyed by individuals, and they have been so good as to leave the map in the Street Commissioner's Office for a little time, to be examined by those who feel interested.

If such a plan should be adopted, and William street made an easy street for carriages, from Chatham to Wall street, it would give some relief to Broadway, below St. Paul's Church: and then the question comes how to give

relief to Chatham street, between William street and Chatham square.

Of all the various plans which have been talked of, there are great difficulties on account of cutting the blocks so diagonally as to make many acute angles; and the desire of following any of the present streets, seems to be almost impossible to unite the objects contemplated.

If a street sixty feet in width, was drawn from the point in Chatham street, where the proposed extension of William street intersects it, to a direct line to Bond street where it intersects the Bowery, it would cross Anthony street at its intersection with Little Water street, and Walker street at its intersection with Orange street, and Houstoun street at its intersection with Elizabeth street. Such a street would run parallel to Broadway, and would cut through a part of the city which requires some re-modelling, and where the buildings are not generally valuable: of all the various plans, this appears to me to be the best; and although a bold cut, it seems, in the opinion of the Street Commissioner, as deserving the consideration of the Common Council.

If this, or something in place of it, was done, it would relieve Chatham street and the lower part of Broadway. But we want also some relief for the western side of the city, to take off some portion of that travel which now falls into Broadway, from the city west of it, and north of Courtlandt street.

The great objection which cartmen seem to understand, in carting earth or wood, to the streets running parallel to the Hudson River, is the cross gutters. To avoid these, a cartman with a load of wood or earth, if he wishes to take it from the foot of Courtlandt street, or Barclay street, to Chapel street, at White or Walker, he will go directly to Broadway, and up that street to White or Walker, and down those streets to Chapel street: this he does to avoid the gutters which

cross West, Washington and Greenwich streets. The hackmen have a still greater inducement to avoid all cross gutters.

In looking at the plan of the city, it appears to the Street Commissioner, that Greenwich street and Hudson street, are the two streets to which we must look to give relief to Broadway, above St. Paul's Church; and all that is required to make these two streets very useful and great leading streets, is, to do away the gutter crossing them, or to make them so easy as to be unobjectionable.

Hudson street leads to Chambers street, and the ascent of Chambers street, from the point of intersection of Hudson street, is not greater to Broadway, than the ascent of Broadway, from Canal street to Anthony street.

If, therefore, we could so prepare Hudson street from Canal to Chambers street, as to induce all vehicles coming down Hudson street, north of Canal street, to continue down that street to Chambers street, we should relieve one part of Broadway.

If, then, we could make Greenwich street an easy street to pass with all kinds of carriages, and induce them to keep down Greenwich street to Barclay or Courtlandt streets, we could relieve Broadway still further.

Plans and suggestions have been made for improving Chapel street, by raising it from Duane street to Canal street, and widening the part south of Leonard and Provost streets; this would be a very great improvement to the health of this part of the city, and would not be expensive beyond the benefit to owners of property in the neighborhood.

Another plan has been suggested to widen Wooster street, and Church street, and extend the latter through from Fulton to Courtlandt street; this project has some advocates, and is deserving of reflection.

On a review of the whole ground, the Street Commissioner is of opinion, that some measures ought to be adopted very soon; and from his impressions, the widening of William street, and extension thereof into Chatham street, and the opening a new street as suggested, is a project deserving of a regular survey and examination, to see how it would affect the property through which it passes.

The next in importance is the making of Greenwich street an easy and desirable street for cartmen and hackmen to travel.

The remaining suggestions are thrown out for the consideration of the Board of Assistants, to whose better judgment the Street Commissioner begs leave to submit the whole subject.

Respectfully submitted,
BENJAMIN WRIGHT,
Street Commissioner.

Motion of Mr. Bruen,—That the report of the Street Commissioner, in relation to the extension of William street and another new street, be referred to the Street Committee.

DOCUMENT XXXI.

BOARD OF ASSISTANTS.

NOVEMBER 12, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, NOVEMBER 12, 1832.

Gentlemen of the Board of Assistants of the City of New York:

I have approved and signed,

Resolution to pave side walks in Second street, between Avenues C and D,

Resolution to pave side walks in Third street, from Avenue D to 150 feet east of Avenue C,

Resolution to pave side walks in Houstoun street.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XXXII.

BOARD OF ASSISTANTS.

NOVEMBER 12, 1832.

Report of the Street Commissioner, on the Resolution for altering the grade from 14th street to 23d street, east of Third Avenue. Laid on table and ordered to be printed, with a lithographic copy of the map; and referred to Street Committee.

JOHN W. RICHARDSON, Clerk.

Resolution offered by Mr. Bruen:

Resolved, That the Street Commissioner be requested to devise and report to the Common Council a plan for the permanent regulation of that part of the city laying between 14th and 23d streets, the Third Avenue and the East River.

The Street Commissioner, in obedience to the annexed resolution, "requesting him to devise and report to the Common Council, a plan for the permanent regulation of

that part of the City laying between 14th and 23d streets, and east of the Third Avenue, to the East River," begs leave

RESPECTFULLY TO REPORT,

That he herewith presents a plan of that part of the city, comprised in the resolution, and also some part adjoining it on the south.

By the plan herewith laid before the Common Council, it will be seen, that the lines drawn in red show the grade of the several streets, as now established by law. By this plan it will be perceived, that the exterior line of the city as now determined by legislative act, is to be at Tompkins street; more than a third of a mile from the natural shore of the river. The red lines will show the filling required to affect this plan: this I may call No. 1.

Another plan, which I call No. 2, is represented by dotted blue lines, commencing at the Third Avenue, and from thence, by a regular uniform descent to the bulkhead, as now built. By this plan, that bulkhead as far as built, would form the exterior line of the city. This plan would save about one third part of the filling, east of the Third Avenue, between 14th and 23d streets, where there is filling; and at least one half of the filling would be saved, from what would be if the exterior line of the city is continued to Tompkins street, as proposed; if the present bulkhead is established as the line of the city as far as it is built and extended, southerly along the edge of the channel, to 15th street, and thence to the permanent line to be continued along 15th street to the proposed Tompkins street, and thence southerly, the line of Tompkins street to be the line of the city as now established by law.

A third plan is also marked on the map, which only varies from the second plan by the introduction of the sewer on Second Avenue, which by the proposed grade of the streets north of 23d street, was to pass through 22d street at the

Third Avenue, and continue down 22d street to the Second Avenue, and thence down the Second Avenue to 18th street and down 18th street to the East River. Also a branch sewer commencing at 14th street and running northward to join the other sewer at 18th street.

This plan only varies from the second plan, as before observed, in that part between the First and Third Avenues, and the design of it is to save the excessive filling which would be necessary on either of the other plans on that particular section.

By the introduction of sewers, having in many parts of them, six inches in each hundred feet descent, and in no part less than three inches in one hundred feet, there can be no question as to their always keeping themselves clean, and free at all times from the substances which fall into them: the black dotted lines show this proposed plan.

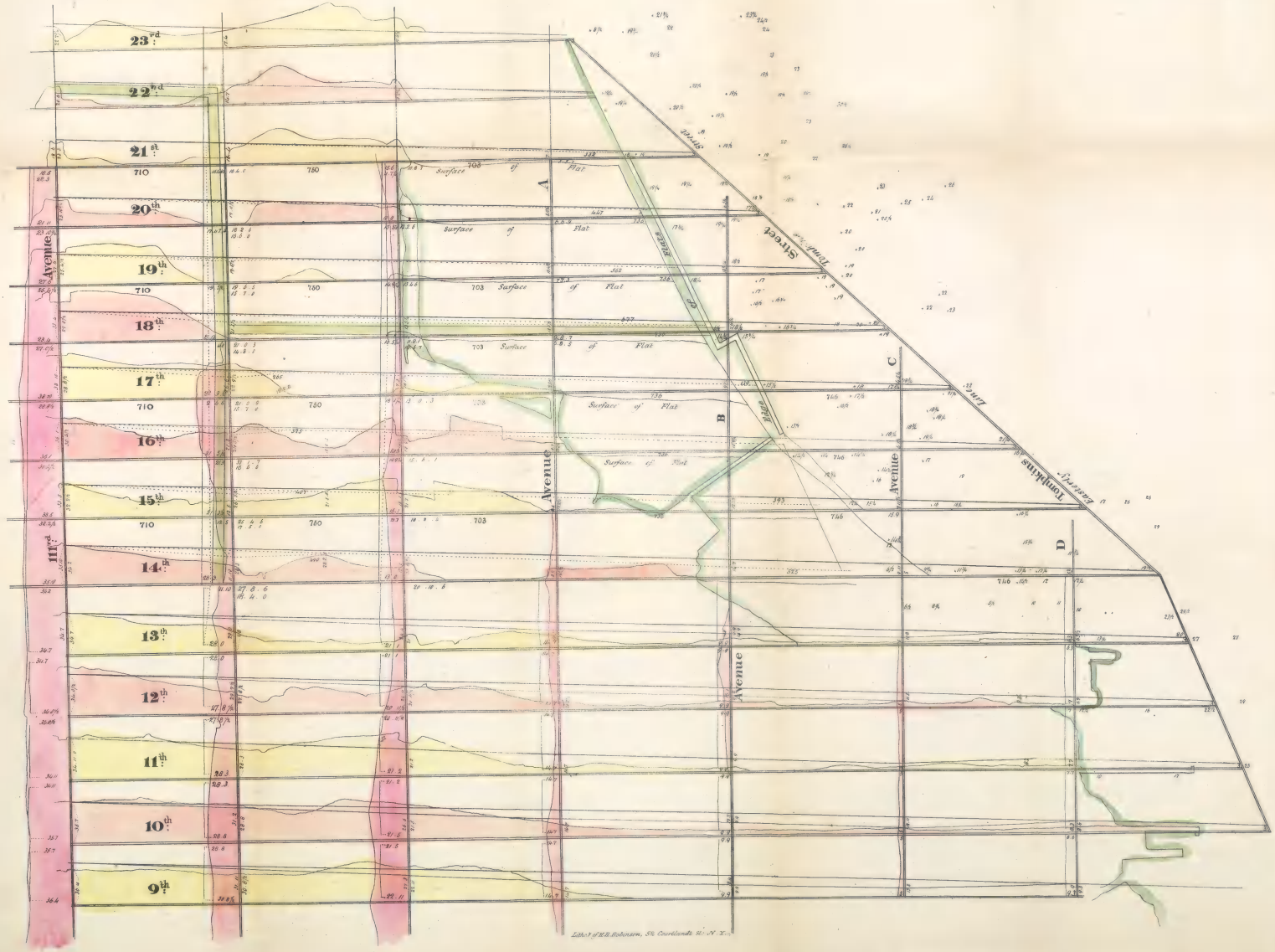
The sewer commencing at 14th street will, in this case, receive all the waters which collect on 14th, 15th, 16th, 17th and 18th streets, from the apex near the Sixth Avenue, and take these waters directly to the river, in the sewer in 18th street: and the same of the sewer in the Second Avenue, crossing 19th, 20th, 21st and 22d streets—so that these streets east of this sewer will have but little water collect upon them, and the ground east of the First Avenue will be much benefitted by this arrangement.

These are the Street Commissioner's views upon this important matter; and as his own opinion of what is for the benefit of the city, he certainly should recommend the plan of the sewers.

Respectfully submitted,

BENJAMIN WRIGHT,

Street Commissioner.


23rd
22nd
21st
20th
19th
18th
17th
16th
15th
14th
13th
12th
11th
10th
9th
Avenue
Surface of Flat
Street
Tompkins
Lane
A
B
C
D
Lith. of H.B. Robinson, 54 Courtlandt St. N.Y.

DOCUMENT NO. XXXIII.

BOARD OF ASSISTANTS.

NOVEMBER 19, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, NOVEMBER 19, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution for appropriation of Two Hundred and forty-two Dollars, balance due for building Privies,

Resolution for a Well and Pump near the intersection of Second street and Avenues D,

And two Reports from the City Inspector, with Eighty-four Ordinances for Correcting Nuisances.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XXXIV.

BOARD OF ASSISTANTS.

NOVEMBER 19, 1832.

Communication from the Mayor announcing the death of Charles Carrol of Carrolton. Laid on the table.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, NOVEMBER 19, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I announce to the Common Council the death of that Illustrious Patriot Charles Carrol of Carrolton, the last of the Signers of the Declaration of Independence.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XXXV.

BOARD OF ASSISTANTS.

DECEMBER 3, 1832.

Report of the Commissioners of School Money, to the Corporation. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Commissioners of School Money for the city of New York, in obedience to the Statutes of the State, requiring them to report to the Corporation and to the Superintendent of Common Schools, on or before the first day of December in every year, on the several matters contained in the reports made to the Commissioners by the respective Societies and Schools, for the year preceding the first of May in the same year, and on such other matters as the Commissioners may deem necessary to promote the interests of said schools, do

RESPECTFULLY REPORT,

That the balance in the Mechanics' Bank of the City of New York, to the credit of the Commissioners, for the year ending

on the first of May, 1831, and after the distribution of that year, amounted to thirty-five dollars and seventy-three cents.

That on the 31st day of May last, the sum of ten thousand five hundred and seventy-six dollars and fifty-six cents, was passed at the bank, to the credit of the Commissioners, being the quota of the School Fund due from the State to the City and County, for the year.

That a deposit was on the same day made at the bank to the credit of the Commissioners, by the Corporation, of the sum of eighty thousand two hundred and sixteen dollars and fifty-six cents, forming a grand total for distribution, of ninety thousand seven hundred and forty eight dollars and eighty-six cents, an expense account of seventy-nine dollars and ninety-nine cents being deducted as hereinafter mentioned.

That the Commissioner received from the Trustees of the Public School Society, a report of attending scholars in the schools of their society, to the number of three thousand eight hundred and ninety-eight, and paid the society at the rate of nineteen dollars and ninety-three cents per scholar, the sum of seventy-seven thousand six hundred and eighty-seven dollars and fourteen cents.

That the Orphan Asylum Society at Greenwich received for one hundred and twelve scholars reported by them, at the same rate per scholar, two thousand two hundred and thirty-two dollars and sixteen cents.

That the Manumission Society received for two hundred and fifty African scholars, at the same rate per scholar, four thousand nine hundred and eighty-two dollars and fifty cents.

That the Mechanics' Society received for twenty-six scholars, taught free of expense, in their school, at the same rate, five hundred and eighteen dollars and eighteen cents.

That the Roman Catholic Benevolent Society reported from the school of the Catholic Orphan Asylum, ninety-two

scholars taught there free of expense, and received at the same rate per scholar, one thousand eight hundred and thirty-three dollars and fifty-six cents.

That the Trustees of the Yorkville School received for forty-three scholars at the same rate per scholar, eight hundred and fifty-six dollars and ninety-nine cents.

That the Trustees of the Harlæm School received for sixty scholars, one thousand one hundred and ninety-five dollars and eighty cents.

That the Trustees of the Manhattanville School received for fifty-eight scholars, one thousand one hundred and fifty-five dollars and ninety-four cents.

That the Trustees of the Hamilton School near Kingsbridge, received for fourteen scholars, at the same rate, two hundred and seventy-nine dollars and two cents.

Thus forming a total distributed for those schools collectively, of ninety thousand seven hundred and forty-one dollars and twenty-nine cents.

That the Commissioners have paid from the fund for stationary, a desk for their papers, and sundry incidental expenses, the sum of seventy-nine dollars and ninety-nine cents, and have to their credit in bank, a balance of seven dollars and fifty-seven cents.

The Trustees of the Public School Society did not include in their report, an average of one hundred and fifty-eight children, who had been taught free of expense in their school, for the reason, that that number had not yet attained their fourth year, and by law could not be reported.

The number reported, and for which they have received payment from the School Fund for the year, had been diminished by the severity and protracted cold of the past winter and the prevalence of an unusual degree of sickness among the children.

The Commissioners feel it but a just tribute to the strenuous and philanthropic labors of the Trustees of the Public School Society, to assure the Superintendent and the Corporation from what they have witnessed, that school houses have been erected, conveniently and judiciously located in the different parts of the city, and one at Bloomingdale, comfortably provided to the fullest extent of the means heretofore allotted the Society. That they are not only open to all who choose to avail themselves of the benefit of the education afforded, but that the Society have taken great pains and specially employed visitors to wait on such at their own houses, as have not been sufficiently attentive to the benefits held out to them, to endeavor to prevail on parents or guardians to send their children to the schools of the society, and to inculcate the necessity of proper habits of punctual attendance: and induced thereto by the very liberal provision made by the Corporation during the past year, the Trustees of the Public School Society have extended their present establishments, and organized several new primary schools in different parts of the city, giving good earnest of their intentions, to use the fund confided to them, to the best possible advantage for the objects in view. And the Commissioners entertain no doubt that the fund will be so applied by them, quite as extensively as is consistent with the gradual and proper extinguishment of the heavy debt they have incurred in the erection and establishment of the building now in their use.

The Directors of the Orphan Asylum at Greenwich report on the property and affairs of that institution, that including the monies received for the past year from the school fund, their means are little, if any, more than adequate to the wants of the institution; and considering the sums requisite to be expended by the Asylum for the preservation of the buildings and the support and clothing of the scholars,

the Commissioners are induced to believe that the monies received by them heretofore, have not been more than adequate to that portion of their expenditure which is incidental to the education of the children in their charge.

The Orphan Asylum of the Roman Catholic Benevolent Society, has, as the Commissioners understand, no means for the support of their school, other than what for the present year, was allowed by the ordinance of the Corporation for its support, and the charitable donations of persons interested in its welfare.

The scholars are under the tuition and careful supervision of Sisters of Charity, who have charge of the school, and exhibit proofs of a most zealous care in training them up to usefulness. Children thus situated, necessarily restrained within the precints of the institutions in which their lot has placed them, not able to avail themselves of the schools opened by the Public School Society, are here provided for by persons charitably assuming the relation towards them, not only of tutors but of parents also, until they arrive at that age which justifies their protectors in placing them out to trades or such employments as they manifest an aptitude for; and while the children are within the age entitling them to their quota of the School Fund, the Commissioners can but applaud the determination of the Corporation to place both of these institutions alike under the benefits to be derived from the Fund.

The Mechanics' Society have reported from their School as is stated above, but twenty-six scholars, giving but a very small portion of those attending at that school, and those only who are taught there free of expense. This school has no property of its own, independent of the society; and the Commissioners do not hesitate to say, that considering the high state of discipline in which it is kept, and the very

abundant supply of teachers with which it is provided, the money allotted to it is well and judiciously applied.

The Manumission Society report to this Board for the past year, but two hundred and fifty scholars, but the Commissioners anticipate a considerable increase for the current year.

The Public School Society, not having admitted children of color to a participation in the Fund allotted them, probably because separate buildings and arrangements would be requisite, and their means heretofore have not been adequate to that end, the Commissioners have suggested to the trustees of the Manumission Society, the expediency, with the approbation of the Corporation, either of abandoning, so far as education was concerned, the name of their society, and assuming one suited to more general purposes, with reference to children of that class, such as the African Public School Society, or something of that import; or ceding to the present Public School Society, their school houses, and blending their trustees with them in one general organization, applicable alike to both classes.

The Manumission Society equally zealous in the pursuit of these praiseworthy objects, and impressed with the very liberal provision which has recently been made, have, as the Commissioners believe at their suggestion, already more than doubled the number of their schools, placing new ones in the quarters of the city where the wants of that class called for them, and have already gotten them under an organization and progress extremely creditable to their exertions.

The Commissioners, while on this subject, beg leave to suggest, that they conceive that in the ratio in which the education of the children of color in this city can be promoted, crime among them must diminish; and that persons of that class, now rendered by their want of education, in a

great degree useless to themselves and the community in which they live, would, with proper means of information, not only be saved from our poor-houses and prisons, but could be made useful in many subordinate situations in life above those in which they have heretofore been placed.

The Public School Society, not having yet been able to extend their usefulness further into the suburbs than to one school at Bloomingdale—a School at Yorkville—another at Harlaem—another at Manhattanville—and one near Kingsbridge, have been admitted to a participation in the Fund.

That of Yorkville seems to be adequate in size to the wants of the vicinage, as well as that at Harlaem; to the latter, an African Department, in a separate building, with the approbation of the Corporation, has lately been attached and is in promising forwardness.

The school near Kingsbridge is opened, and large enough for the wants of the neighborhood.

That at Manhattanville is under good discipline and most numerously attended.

As to all of these institutions, the Commissioners believe there is no want of capacity in the buildings or arrangements, and if the schools are not as full as accommodations permit, it is only because the limited population of the environs do not require the use of them.

The Commissioners feel a pleasure in congratulating the Corporation, the Superintendent of Common Schools, and the public at large, that through the munificence of the State, and Corporation of this city, ample arrangements have now been made in the city of New York, by which education can be freely and gratuitously offered alike to all who may choose to partake of it. They regret to perceive with some, a latent prejudice or false delicacy, as to participating in its benefits.

They, who feel it, do not seem to advert to the fact, that the Fund, from which the support of these institutions is drawn, is in part the property of the State, and therefore in the quota required *their own* for this object; that principally it is obtained by taxation, to which all are obliged to contribute their proportion, whether it be rendered in money, in jury duty, in militia service, or duties on the imports consumed by them.

When this prejudice shall have become removed, the Commissioners hope to see the institutions of the Societies now distributing this Fund, greatly flourishing, and the community at large receiving its full benefit. Then they, who will have aided in consummating an object so devoutly to be wished, may repose under the pleasing reflection, that of all their labors, they have, in this, done their best service to the interests of religion and their country.

By order of the Board,

W. A. SEELY, *Secretary.*

New York, November 27, 1832.

DOCUMENT NO. XXXVI.

BOARD OF ASSISTANTS.

DECEMBER 3, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, DECEMBER 3, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to open the Water Course across the First Avenue in Eighteenth street,

Resolution appropriating Four Hundred Dollars to repair Bloomingdale Road,

Resolution relating to the claim of Miln Parker, for damages at Yorkville,

Resolution to pay certain balances for work on the Eighth Avenue, not exceeding One Hundred and Fifty Dollars,

Resolution relating to repaving and repairing Vesey, Murray and Chambers streets,

Resolution to lay curb and gutter stone in Fifth street, from Lewis street to the River.

Resolution to pave La Fayette Place from Great Jones street to Eighth street,

Resolution to make the usual arrangements to receive the Military at the City Hall, on the 26th inst.,

Resolution appropriating Four Thousand Dollars for Buildings on the Long Island Farms for the accommodation of Pauper Children,

Resolution for a Portrait of Governor Throop,

Ordinance appropriating for Justices Courts,	$500 00
Police,	1,500 00
Public Schools,	46 56
Salaries,	4,500 00

Resolution to remove the Iron Pump corner of Madison and Walnut streets, and to substitute one of Wood,

And City Inspector's Report for seventy-four Ordinances to Correct Nuisances.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XXXVII.

BOARD OF ASSISTANTS.

DECEMBER 10, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, DECEMBER 10, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to regulate in part, streets between Fourteenth and Nineteenth streets, inclusive, from the Third Avenue to the River,

Resolution to relieve Joseph Marshall from Tax,

Resolution for a Well and Pump near the corner of Second and Lewis streets,

Resolution to appoint a Keeper and a Deputy Keeper of the City Hall and Record Office.

WALTER BOWNE,

Mayor.

DOCUMENT NO. XXXVIII.

BOARD OF ASSISTANTS.

DECEMBER 10, 1832.

Report of the Street Committee on the Resolution of Alderman Cebra, relative to the appointment of Commissioners of Estimate and Assessment. Report adopted, and Resolution concurred in.

JOHN W. RICHARDSON, Clerk.

Resolved, That two persons residing in each Ward be selected by the Alderman and Assistant thereof, and that a list of the persons so selected, be handed to the Counsel, and that he nominate therefrom, to the Supreme Court, three persons to be appointed Commissioners of Estimate and Assessment in each case of the opening or improving any street, avenue, or public place ; or of the closing of any street, avenue or road ; for which the appointment of such Commissioners may hereafter be applied for to the said Court.

The Street Committee, to whom was referred the annexed resolution,

REPORT,

That they have consulted on the subject, and think it desirable to re-organize the list which at present exists. It is necessary in every application to the Court for opening streets, &c., that Commissioners shall be named; and your Committee think it but equitable that each Ward shall have its proportionate number. In the present list some of the Wards have three and four, and others none.

They therefore recommend the adoption of the resolution.

WM. W. HOLLY,
FRANCIS FICKETT.

DOCUMENT NO. XXXIX.

BOARD OF ASSISTANTS.

DECEMBER 17, 1832.

Message from the Mayor relative to subjects referred to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, DECEMBER 17, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution granting permission to Jane Morris and John Allan to transfer a lease to the Washington Fire Insurance Company,

Resolution that side walks in Amos street, from Greenwich Lane to West street be regulated and paved,

Resolution relating to the regulation of Fourteenth street, between the First and Third Avenues—Avenue C, from be-

tween Second and Third streets to Tenth street—and the First Avenue between Sixth and Thirteenth streets,

Resolution relating to MacAdamizing from the Six Mile Stone to One Hundred-and-ninth street, and for Regulating and Turnpiking from thence to the Bridge.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XL.

BOARD OF ASSISTANTS.

DECEMBER 17, 1832.

Report of the Police Committee in the matter of William L. Simers. Adopted.

JOHN W. RICHARDSON, Clerk.

The Police Committee to whom was referred the petition of William L. Simers, praying to be relieved from a penalty incurred by a breach of the Corporation Ordinance,

REPORT,

That they have ascertained that the same has been duly paid into Court. Your Committee therefore offer the following resolution :

Resolved, That the Police Committee be discharged from further consideration of the matter.

D. BANKS,
CHARLES G. FERRIS,
PETER S. TITUS.

DOCUMENT NO. XLI.

BOARD OF ASSISTANTS.

DECEMBER 28, 1832.

Message from the Mayor relative to subjects sent to him for approval. Directed to be filed.

JOHN W. RICHARDSON, Clerk.

MAYOR'S OFFICE, DECEMBER 28, 1832.

Gentlemen of the Board of Assistants of the City of New York,

I have approved and signed,

Resolution to allow an Iron Balcony to House No. 117 Monroe street,

Resolution relating to Mayor's Portrait,

Ordinance for laying side walks on the southerly side of Third street from Avenue D to 150 feet easterly of Avenue C,

Resolution to transfer Stall, No. 8, Grand street Market, to Philip Ferris,

Resolution to refund to Walter C. Hyer, Twelve Dollars, a personal tax assessed and paid in the Eighth Ward,

And Two Hundred and Ninety Ordinances for Correcting Nuisances, contained in three Reports from the City Inspector.

WALTER BOWNE,
Mayor.

DOCUMENT NO. XLII.

BOARD OF ASSISTANTS.

JANUARY 2, 1833.

The following Communication was received from the Reverend John Stanford, D. D.

JOHN W. RICHARDSON, Clerk.

To the Honorable the Mayor and Common Council of the City of New York.

RESPECTED GENTLEMEN:

Having for many years, in the month of January, been in the habit of addressing you on the subject of my ministerial services at Bellevue, and in other departments under your judicial charge, I felt a momentary dictate to withhold my pen, and let the present season escape in silence: for by decrepitude of age, and a complication of severe complaints, I have been totally incapable of any public services during the past year, for the benefit of my fellow creatures, and have

submitted to confinement within my own habitation. Still, having esteemed my long intercourse with this Honorable Board, as one of my greatest facilities while devoting my services in favor of the public, and in all probability, as the sable curtain of mortality may soon drop between us, I will venture upon a few lines, to which I will solicit your attention.

Duty dictates me to inform you, that from repeated information received from your officers, and others at your increasing establishment at Bellevue, it appears that Mr. Tappen, the gentleman whom you gave me permission to select, in concurrence with your Board of Commissioners, to perform religious services in my absence, for the benefit of its numerous inmates, has been, and still is, laborious, faithful and successful in the performance of his arduous services, and more so than any other person I could have procured. And notwithstanding the afflictive hazard he run during the rage of the Cholera, and the increase of duty by the new department formed on Long Island for the benefit of the children, his duties have been unremitting. Nor is it improper for me to say, that he has invariably favored me every week with visits, to make such communications as were connected with the moral interests of the numerous people committed to his charge, which at the same time, afforded me a desirable opportunity to aid him by such advices as might have a tendency, with the benediction of Heaven, to promote the good of the whole. And, at my suggestion, Mr. Tappen will present a report of his annual services to your Board of Commissioners at Bellevue. This information therefore, I cannot but presume will be gratifying to you, gentlemen, as the guardians of public morals, as well as of the wants of the needy and destitute, and in which the community of our city are so deeply concerned. Devoutly, therefore, do I pray, that our compassionate Heavenly Father may continue to provide and bless the labors of a faithful pastor, who shall

instruct the young, visit and console the sick and dying, warn the profligate and incorrigible, and administer consolation to the aged and decrepid, in all the various departments under your extensive charge. This will exhibit the laurel of humanity to the honor of our city, evince the piety of its guardians, and illustrate the truth of our Saviour's assertion, that "The poor have the Gospel preached unto them; and blessed is he whoever shall not be offended in me." Matt. ii. 5.

Permit me, my fellow citizens, to confess that I have one other design in my present address. It is to gratify my own feelings, by expressing the warmth of my gratitude; that although I am a Briton by birth, I have enjoyed the privilege of citizenship with you for nearly half a century; and that from this community I have received numerous expressions of kindness, which demand my acknowledgment before I quit this vale of tears. Particularly I am grateful for that intercourse with which I have been indulged with your Honorable Board, for upwards of twenty years; for thereby, through the smiles of the Almighty, I have been assisted, in some degree, to devote the end of a long life of seventy-nine years, in the hope of contributing to the benefit of the community, and more especially in favor of the poor and the miserable. If such efforts have been in any measure successful, it is my imperious duty, as my public labors are now ended, to attribute the whole to the praise of my good God, whose indulgent hand has bestowed the blessing! At the same time, I devoutly present as my last prayer, that the Lord, who is God of the nations of the whole earth, who has so gloriously distinguished America, by the establishment of her Independence, with her civil and religious liberties, and has so extensively promoted her commerce with every part of the globe, may make us a virtuous people, and continue these national blessings so long as the sun and the moon endureth.

I dare not quit this stage of life without expressing my gratitude to the Most High, for the astonishing increase and prosperity of our own city; for when in the year 1782, I first became an inhabitant with you, the number of its buildings, its trade, shipping, public edifices, charity schools, churches, and population was comparatively small. Now, how great the increase! I have lived among you to witness the extension of your borders—the introduction of multiplied arts and manufactures—your extended commerce—abundant means of education, and for the promotion of science—the great number of institutions for the relief of diseased and afflicted humanity—the variety and richness of its public edifices, and particularly those erected for the worship of the God of our fathers—together with the vast increase of our population. All these produce an astonishing and most valuable change from the former state of our city, and need only be occasionally contemplated, to excite deep feelings of gratitude to the Divine Author of all our blessings. While at the same time they should prompt us to the performance of all those private and social duties which are connected with the hope that our privileges shall continue to generations yet unborn.

In concluding this, my last address, you will give me leave, once more, to express my sincere wishes, that the Mayor and Common Council of this favored city may perpetually enjoy the benediction of Heaven—receive that wisdom which is necessary to devise—prudence to manage—with that virtue and fortitude to govern, as shall issue in the unity, peace and prosperity of the community. Therefore with my sincere prayer, that these favors may crown your Honorable Board, and that in your own persons and social connexions you may enjoy the most unbounded felicity I conclude myself,

Your grateful fellow citizen
and servant in the Gospel,

JOHN STANFORD.

ANNUAL

REPORT OF DEATHS

IN THE

CITY AND COUNTY OF NEW YORK,

FOR THE

YEAR 1832.

DOCUMENT NO. XLIII.

BOARD OF ASSISTANTS.

JANUARY 12, 1833.

The City Inspector has the honor to present the Annual Report of Deaths in the City and County of New York, for the year one thousand eight hundred and thirty-two.

Respectfully submitted,

ABRAHAM D. STEVENS,
City Inspector.

Accepted, and directed to be printed.

JOHN W. RICHARDSON, Clerk,

ANNUAL REPORT OF INTERMENTS

IN THE

CITY AND COUNTY OF NEW YORK,

Commencing on the first day of January, and ending on the thirty-first day of December, 1832; showing the Ages, Sexes, and Diseases of the persons who died.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Men,	111	159	127	115	133	109	1023	689	351	183	114	86	3200
Women,	122	117	107	105	98	87	833	611	296	160	83	75	2694
Boys,	190	243	161	133	161	128	341	493	231	134	119	129	2463
Girls,	141	216	150	125	123	86	270	413	186	109	84	99	2002
Total,	564	735	545	478	515	410	2467	2206	1064	586	400	389	10359

CONTINUED.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
AGES. OF WHOM WERE													
Of the Age of one Year and under,	151	182	135	98	150	113	202	337	182	118	119	135	1922
between 1 and 2 -	59	98	50	56	40	38	88	210	92	44	17	38	830
2 5 -	82	120	78	60	69	32	151	181	75	50	37	30	965
5 10 -	32	37	30	25	12	25	92	108	38	18	19	14	450
10 20 -	16	24	22	20	21	11	115	98	51	24	20	11	433
20 30 -	53	78	67	52	58	56	401	301	148	80	55	48	1397
30 40 -	58	74	62	71	67	52	542	357	158	89	45	42	1617
40 50 -	45	40	44	33	36	38	384	269	130	66	34	23	1142
50 60 -	20	33	21	23	23	17	237	154	88	47	19	23	705
60 70 -	21	22	21	17	16	11	152	115	52	32	18	12	489
70 80 -	19	17	8	12	17	13	81	49	28	10	9	10	273
80 90 -	7	9	5	7	5	2	16	25	15	8	7	3	109
90 100 -	1	0	2	4	1	2	5	2	7	0	1	0	25
100 and upwards,	0	1	0	0	0	0	1	0	0	0	0	0	2
Total,	564	735	545	478	515	410	2467	2206	1064	586	400	389	10359

CONTINUED.

1832	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
DISEASES AND CASUALTIES.													
Abscess, - - - -	0	0	2	0	0	1	1	0	0	0	0	1	5
Aneurism, - - - -	1	0	0	0	1	1	0	0	1	0	0	1	5
Apoplexy, - - - -	5	10	5	2	9	6	11	10	9	7	5	2	81
Asphyxia, - - - -	1	3	0	2	0	0	3	0	0	1	0	0	10
Asthma, - - - -	0	1	1	1	2	0	0	0	0	1	2	0	8
Bilious Dysentery, - - -	0	1	0	0	0	5	0	0	0	0	0	0	6
Burned or Scalded, - - -	4	4	4	2	4	1	1	2	0	2	4	1	29
Carbuncle, - - - -	0	0	0	0	0	0	0	0	0	0	0	0	0
Cancer, - - - -	1	0	1	3	2	2	0	1	0	2	2	1	15
Caries, - - - -	1	0	1	0	1	0	0	0	0	0	0	0	3
Casualty, - - - -	2	7	2	3	13	6	12	2	5	8	10	2	72
Catarrh, - - - -	0	1	0	1	1	0	0	0	1	1	0	0	5
Child-bed, - - - -	6	5	4	5	3	2	2	15	4	2	4	3	55
Chlorosis, - - - -	0	0	1	0	0	0	2	0	0	0	0	0	3
Cholera, - - - -	0	0	0	0	0	0	1797	1202	451	63	0	0	3513
Carried over,	21	32	21	19	36	24	1829	1232	471	87	27	11	3810

CONTINUED.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	21	32	21	19	36	24	1829	1232	471	87	27	11	3810
Cholera Morbus, - - -	0	0	0	0	0	0	52	11	8	12	8	2	93
Colic, - - - - -	0	2	1	0	1	2	0	0	1	0	0	0	7
Compression of the Brain, -	0	0	0	0	0	0	0	0	0	0	0	1	1
Consumption, - - -	104	135	140	138	133	92	102	143	99	143	94	92	1415
Convulsion, - - - -	28	54	49	19	53	32	54	68	39	38	36	31	501
Contusion, - - - -	0	0	0	0	0	1	0	0	0	1	0	0	2
Cramp in the Stomach, - -	1	2	1	1	0	2	6	1	0	0	1	1	16
Diabetes, - - - -	0	1	0	0	0	0	0	0	0	0	0	0	1
Diarrhœa, - - - -	4	9	9	4	2	2	15	31	16	8	2	2	104
Drinking Cold Water, - -	0	0	0	0	0	0	2	1	0	0	0	0	3
Dropsy, - - - -	10	8	14	10	8	8	10	15	11	12	10	14	130
Dropsy in the Chest, - -	3	3	12	5	2	4	1	2	3	2	2	4	43
Dropsy in the Head, - -	31	41	22	25	20	27	28	53	33	17	12	35	344
Drowned, - - - -	1	4	3	2	12	10	6	13	4	4	2	5	66
Dysentery, - - - -	7	8	0	3	2	3	10	47	25	19	5	1	130
Carried over,	210	299	272	226	269	207	2115	1617	710	343	199	199	6666

CONTINUED.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	210	299	272	226	269	207	2115	1617	710	343	199	199	6666
Dyspepsia,	0	0	1	0	1	1	1	2	2	0	0	0	8
Epilepsy,	1	1	0	0	1	0	3	0	2	1	2	0	11
Erysipelas,	1	6	3	0	0	0	1	0	1	0	0	1	13
Fever,	5	3	1	2	1	2	8	21	17	8	10	2	80
Fever, Bilious,	1	1	2	0	2	3	4	5	7	6	0	0	31
Fever, Bilious Remittent,	0	1	0	1	1	0	0	1	2	1	1	0	8
Fever, Hectic,	0	0	0	0	0	0	1	0	0	2	0	0	3
Fever, Inflammatory,	1	0	1	0	0	0	0	0	0	1	0	0	3
Fever, Intermittent,	0	1	0	0	0	1	0	2	2	1	0	0	7
Fever, Puerperal,	0	0	0	0	1	0	1	2	0	0	0	1	5
Fever, Remittent,	0	0	0	0	2	3	4	5	7	2	1	3	27
Fever, Scarlet,	47	37	25	17	19	14	13	5	9	12	8	15	221
Fever, Typhus,	4	0	2	2	1	7	6	22	21	12	7	0	84
Flux, Infantile,	1	0	0	0	1	2	50	170	89	19	2	0	334
Fracture,	0	0	1	0	0	0	0	0	1	0	0	0	2
Carried over,	271	349	308	248	299	240	2207	1852	870	408	230	221	7503

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	271	349	308	248	299	240	2207	1852	870	408	230	221	7503
Frozen, - - - - - -	2	3	0	0	0	0	0	0	0	0	0	0	5
Gout, - - - - - -	0	0	0	1	0	0	0	0	0	1	0	0	2
Gravel, - - - - - -	1	1	0	0	0	0	0	0	0	0	0	0	2
Hæmorrhage, - - - - -	0	1	1	0	0	0	1	3	1	2	1	0	10
Hæmoptysis, - - - - -	0	0	0	1	1	0	1	1	0	1	0	0	5
Hives or Croup, - - - -	13	25	15	17	21	9	12	15	5	9	16	22	179
Hysteria, - - - - -	0	0	0	0	2	0	0	0	0	0	0	0	2
Jaundice, - - - - -	1	2	0	1	1	1	0	4	2	0	2	0	14
Inflammation of the Bladder, -	0	1	1	0	0	1	0	1	0	0	0	0	4
Inflammation of the Bowels, -	13	16	9	12	12	13	24	31	19	21	14	12	196
Inflammation of the Brain, -	5	8	5	11	7	8	14	17	8	8	5	3	99
Inflammation of the Chest, -	7	12	9	8	5	5	6	4	2	9	5	5	77
Inflammation of the Liver, -	3	2	3	3	3	0	1	8	1	10	4	6	44
Inflammation of the Stomach, -	1	2	1	4	4	8	2	3	1	2	2	0	30
Influenza, - - - -	19	11	3	0	0	0	0	0	0	0	0	0	33
Carried over,	336	433	355	306	355	285	2268	1939	909	471	279	269	8205

CONTINUED.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	336	433	355	300	355	285	2268	1939	909	471	279	269	8205
Insanity, - - - -	1	2	0	1	0	0	0	0	0	0	0	0	4
Intemperance, - - -	11	9	10	9	7	6	17	16	7	9	9	9	119
Killed or Murdered, - - -	0	0	0	0	2	0	1	0	0	0	0	0	3
Locked Jaw, - - - -	0	0	0	0	0	0	2	1	0	0	0	0	3
Lumber Abscess, - - -	0	0	0	0	0	0	0	1	0	0	1	0	2
Marasmus, - - - -	15	27	10	10	13	4	25	20	22	14	8	9	177
Measles, - - - -	52	83	41	42	19	15	18	12	3	1	2	2	290
Mortification, - - - -	3	1	1	3	4	2	4	1	1	0	2	1	23
Nervous Disease, - - -	0	1	0	1	0	0	0	0	0	0	0	0	2
Old Age, - - - -	15	11	11	9	7	7	18	24	21	11	12	8	154
Palsy, - - - - -	3	3	1	1	2	5	4	8	5	2	1	1	36
Peripneumony, - - -	19	44	31	23	24	12	11	10	6	14	17	23	234
Pleurisy, - - - -	3	2	2	6	3	1	1	0	1	1	2	0	22
Pneumonia Typhodes, - -	11	10	5	8	4	1	1	4	3	6	3	1	57
Quinsy, - - - - -	0	0	0	1	0	0	0	1	0	0	0	0	2
Carried over,	469	626	467	420	440	338	2370	2037	978	529	336	323	9333

CONTINUED.

1832	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	469	626	467	420	440	338	2370	2037	978	529	336	323	9333
Rheumatism, - - - -	1	2	1	0	0	0	1	0	0	0	1	1	7
Rupture, - - - -	0	1	2	0	0	2	1	1	0	0	0	0	7
Schirrhus of the Liver, - -	1	7	4	1	3	9	3	1	6	1	1	0	37
Scrofula or King's Evil, - -	0	2	3	3	2	0	1	1	0	0	3	2	17
Small Pox, - - - -	28	23	13	4	5	3	5	1	1	0	4	2	89
Sore Throat, - - - -	4	3	3	2	2	3	2	0	0	1	1	1	22
Spasm, - - - - -	0	4	0	0	1	1	0	4	1	1	0	1	13
Spina Bifida, - - - -	0	0	1	0	0	2	1	1	0	0	0	0	5
Sprue, - - - - -	3	3	0	0	0	3	1	16	2	2	1	1	32
Still Born, - - - -	32	38	31	26	41	29	32	35	31	21	32	30	384
Stranguary, - - - -	0	0	0	0	0	0	0	1	0	0	0	0	1
Sudden Death, - - -	0	0	1	0	0	0	0	0	0	0	0	1	2
Suicide, - - - - -	0	0	2	2	51	5	0	4	3	4	1	3	29
Syphilis, - - - -	0	0	0	0	0	0	0	2	2	0	0	0	4
Tabes Mesenterica, - - -	1	2	1	4	0	1	4	2	2	3	2	2	24
Carried over,	539	711	529	462	499	396	2421	2106	1026	562	382	373	10006

CONTINUED.

1832.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Brought over,	539	711	529	462	499	396	2421	2106	1026	562	382	373	10006
Teething, - - - - -	5	4	2	2	8	2	7	46	19	11	4	0	110
Tumor, - - - - -	0	1	0	0	0	0	2	1	0	0	0	1	5
Vomiting Blood, - - -	0	0	0	0	0	1	0	0	0	0	0	0	1
Ulcer, - - - - -	0	1	0	0	0	0	0	0	0	0	0	0	1
Unknown, - - - -	5	11	8	8	4	5	24	34	9	7	8	9	132
Whooping Cough, - - -	12	4	5	6	0	5	6	10	4	4	3	4	63
Worms, - - - - -	3	3	1	0	4	1	7	9	6	2	3	2	41
Total,	564	735	545	478	515	410	2467	2206	1064	586	400	389	10359

ABRAHAM D. STEVENS,

City Inspector.

New York, City Inspector's Office,
5th January, 1833.

REMARKS.

The City Inspector respectfully reports to the Board, the whole number of Interments in the City and County of New York, during the year one thousand eight hundred and thirty two, colored persons included, to be ten thousand three hundred and fifty-nine ; being three thousand nine hundred and ninety-six more than the preceding year.

This increase in the deaths may be accounted for from the increased population ; and more especially from the ravages of that pestilent epidemic, the Cholera, which will be perceived carried off in this City, three thousand five hundred and thirteen.

The total number of deaths from Consumption amount to one thousand four hundred and fifteen, of which one hundred and sixty-two were people of color ; the males exceeding the females, in this disease, twenty-seven, and exceeding the whole number of last year, three hundred and eighty-two.

The number of deaths by Small Pox amounts to eighty-nine, being one hundred and fifty-five less than last year.

This shows that much has been done by public institutions and benevolent individuals, to stop the spread of this loathsome disease. And it is to be hoped that they will not relax in their work of humanity, until the disease may not be known in our country.

Respectfully submitted,

ABRAHAM D. STEVENS,

City Inspector.

New York, January 5th, 1833.

DOCUMENT NO. XLIV.

BOARD OF ASSISTANTS.

JANUARY 14, 1833.

Report of the Special Committee, on the resolution of Mr. Bruen, to interdict the construction of Cemeteries, south of 23d street. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Special Committee, to whom was referred the Resolution of Mr. Bruen, to interdict the burial of the dead, (except in such places as are now used for that purpose,) beg leave

RESPECTFULLY TO REPORT,

That the general principles which demonstrate the expediency of this measure, have been fully set forth in an elaborate Report made by the Recorder, to the Common Council; the effect of which was the passage of the law to inter-

dict the further burial of the dead, in the densely populated parts of the city, south of Grand street.

The impropriety of permitting the burial of the dead within the city, under any circumstances, may well be called in question ; and as the whole of the Island south of 23d street will in all probability be occupied by a dense population, in less than ten years ; and the greater part of the lots south of 14th street, have become of great value, and many of them improved with some of the most splendid specimens of domestic architecture, that are to be found on this continent—it becomes the more expedient to declare at the present time, to the different religious denominations of the city, that all future burial places must be without the probable city bounds, for some time to come. They would recommend that in all leases of the various ferries that may be hereafter made, a reservation shall be inserted, of a privilege for all foot passengers, of passing *free*, either in going to or returning from funerals. There are sites on the Long Island shore, both at Brooklyn and Williamsburgh, well adapted for public cemeteries, which could be had at a much less price than the same quantity of ground upon this Island ; and by giving the facility of a free passage over the ferries, it would be a great inducement for some of the churches who have burial places already in the city, to sell them, and remove the remains of those already buried, to the other side of the river.

They are fully persuaded that the measure is required from views of public policy, which should transcend every other consideration ; and that as it may be, that the angel of death may again visit us with that frightful scourge, the Cholera—one of the precautionary sanitary regulations that it would be wise to adopt at the present time, would be the prevention, as far as is possible, of interments in the city. There is an additional reason, from the geological structure of the Island, which is based upon primitive rock, covered with an imper-

vious clay or hard pan. A suitable site, with but a few exceptions, cannot be found north of 14th street, where it is practicable to have a cemetery. The public burial places belonging to the City, on this Island, is entirely unsuitable for the purpose to which it is applied; and the same consideration should induce the Corporation to seek for some suitable substitute. They would therefore respectfully recommend the adoption of the Resolution.

G. W. BRUEN,
D. BANKS.

Resolution offered by Mr. Bruen:

Resolved, (if the Board of Aldermen concur) That no Cemeteries, or Places of Burial, public or private, other than those now in use, and now constructing) be hereafter permitted south of Twenty-third street.

DOCUMENT NO. XLV.

BOARD OF ASSISTANTS.

JANUARY 14, 1833.

The following Message was received from the Hon. GIDEON LEE, *Mayor of the City of New York, which was directed to be printed.*

JOHN W. RICHARDSON, Clerk.

Gentlemen of the Common Council:

Among the various duties required of the Mayor, by the amendments to our City Charter, is, that he communicate annually to the Common Council, a statement of the situation and condition of the city, in relation to its government, finances, and improvements; and to recommend the adoption of such measures connected with the public security, health, cleanliness, and ornament of the city, and improvement of its government, as shall be deemed expedient.

As I am about entering upon the discharge of my official duties, I will take this opportunity of communicating to you

such general views and observations in relation to these subjects, as the short time my attention has been called to them will enable me to make.

The public health appears to me to demand our first and most deliberate consideration.

We have, for the present, great cause to acknowledge our gratitude to Divine Providence, for our unusual exemption from disease of every kind ; but it is the province of discreet counsel to prepare for calamity in the season of prosperity.

Our comparatively low latitude, our long continued warm summers, our extensive navigation, and our great commercial intercourse with all the world ; our liability to, and our frequent attacks of the epidemic tropical fevers, induced our predecessors to procure the enactment of extensive quarantine laws, and numerous other municipal regulations in reference to the public health, which together constitute a sanative code, with as few imperfections as experience and observation from time to time have hitherto been able to make it.

There are, however, some discrepancies in this code, which require to be arranged and harmonized.

Several of its provisions deemed useless in regard to health, and at the same time vexatious to our merchants, and injurious to our commerce, should be repealed, and the new and extraordinary character of the late wasting pestilence may require additional enactments.

This fearful disease, which has swept from among us so many of our fellow-citizens, has, for the present, happily disappeared,—but may it not return ?

If we trace its history during the fifteen years of its appalling progress in Asia and Europe, we find it often re-visiting the places of its previous ravages, at periods of time, months, and even years subsequent, and in some instances with in-

creased violence. We may indeed hope, through the mercy of a good Providence, to be spared a second attack; but ought we not to do all that human foresight can suggest, and all that human means can perform, to guard our City against the recurrence of scenes at which humanity shudders.

That much may be done to mitigate the rigor, and check the ravages of this scourge of mankind, is admitted by all who are familiar with its character; and although the recent perilous experience of the members of the Common Council will enable them, I doubt not, to devise and adopt suitable measures for these objects, I feel it a duty nevertheless, to communicate to you my views on a subject of such deep interest to every citizen.

Leaving the *Etiology* of the epidemic Cholera to professional science, confessing the originating cause, or causes, to be beyond the reach of my understanding, I proceed to some of the immediate and visible causes of its *aggravation*.

That any great deficiency of nutriment, or food of a deteriorated quality, may and did cause numerous individual cases of Cholera, while the epidemic influence was prevailing in this City, I have no doubt.

The remedy for this evil is, in a great measure, in your power. The provisions of our General Health Laws, and of the City Charter, in my opinion, give the Common Council the entire control and regulation of the sales of all kinds of food within the City.

I submit to your greater experience, the propriety of establishing a more rigid inspection, as well for the dry and the salted or preserved fish, meats, and other provisions sold from the stores or vessels, as the fresh meats, fruits and vegetables, sold in the markets; and I would recommend the exclusion from the City, during the summer months, of unripe or decayed fruits, and all unnutritious and indigestible vegetables.

The great waste of human life from diseases other than the Cholera, arising from improper nutriment, I cannot but think, will warrant these suggestions.

The persons most injured from this cause are the poor and the improvident, who purchase whatever food they find cheap, without regard to its dangerous quality; and these classes of citizens require your special guardianship, as conservators of the general health.

I am strongly impressed with the belief, that impure air is among the most powerful causes of *aggravation* in the epidemic Cholera, and possibly a primary cause of its production.

We cannot shut our eyes on the appalling mortality exhibited wherever this scourge has prevailed, within the *spoiled* atmosphere of prisons, poor-houses, ships, unventilated collieries, and in the densely crowded dwellings of the poor, where it has raged with mortal force, while all without was healthy.

The greater number of the Public Institutions of this City are under the control of the Common Council, and in the feeling remembrance of the scenes of horror in similar places, both in Europe and America, I would recommend unusual attention to cleanliness, and the effectual ventilation of our existing pauper and prison houses; and the erection of such new buildings as shall be found necessary.

I am not able to devise any convenient, and at the same time, legal remedy, for the too densely crowded dwellings of the suffering poor.

Epidemic diseases usually make their first appearance in this class of houses; few of the inmates are aware of their own danger,—many of them are from high latitudes, or from the pure air and healthy exercises of agriculture, and unaccustomed to the precautions and restrictions which are

necessary for the preservation of health in a dense population and warm climate, and require your special protection, as well in reference to the public health as to themselves.

I have reflected much on the possibility of applying that principle of law to the houses of a great City, which most nations have made applicable to navigation, in limiting the number of passengers to the capacity of the vessel, without coming however to any satisfactory conclusion.

The private rights reserved to every individual by our political institutions may render any legislation in this cause difficult.

I submit these suggestions to your discretion, with the hope that your experience may devise a remedy for the evil.

The light of modern science must convince every one, that in a crowded city, a healthy atmosphere cannot exist without general cleanliness, and that debility and disease are the never failing consequences of filth.

Of our dirty streets and wharves which are exposed to the public, we hear constant complaints, while the accumulated filth in our yards and interior premises escapes observation. These masses, generating and evolving gases, pernicious to health and fatal to life, had they been uncovered to the public view, had long since been removed.

We are too apt to believe that the state of things to which we have been long accustomed, is the most proper. But although habit may reconcile us to a nuisance, habit can never render it healthy, or counteract the great laws of nature; and believing firmly as I do, that the health and lives of our fellow-citizens require at this time, unusual attention to cleanliness I cannot too earnestly recommend, whatever may be the cost, the removal of all the nuisances alluded to, before the next warm season shall arrive.

The slips and docks are another source of impurity, to our

atmosphere, besides the injury arising from the constantly decaying wood material with which the bulkheads and piers are chiefly composed.

The contraction of the water-ways under the piers, in connexion with the peculiar meetings of the North and East River tides, occasion a deposit of mud, which, combining with the drainage and offals from the city and the vessels in port, forms a mass of filth, which exposed to the sun at low water, emits large quantities of hydrogen gas, exceedingly deleterious to health.

It is believed that the only *permanent* remedy for this evil will be found in the substitution of stone for the wood material now used in these constructions.

It is recorded with astonishment, by navigators and travelers visiting our shores, that the City of New York, with a population of more than two hundred thousand souls, possessing nearly one half the entire *foreign* commerce of the nation, and destined speedily to become one of the greatest commercial cities in the world, should so long have retained her injurious wooden dock works, while most or all the cities of Europe, of one-fourth the commercial importance of this, have long since found stone or other hard materials more convenient, profitable and healthy.

It would, perhaps be unreasonable to expect that *public improvements* in our City, shall keep pace with the *unlooked for and unparalelled rapidity* of the increase of our wealth and numbers, and as so great a work as the entire change of wood for stone in the construction of wharves and piers would require many years, and would involve immense cost, and might, if commenced at this time, interfere with and impede another, and in my judgment a paramount public work in contemplation, the supplying the city with good water.

I would therefore respectfully recommend, *for the present*, that the ordinary mode of cleaning the slips be continued

with increased vigor; and I suggest the expediency of continuing the surveys of the slips, lately ordered by your Honorable Body, and of causing an examination of the various quarries in this vicinity, with a view of testing the several kinds of stone, in relation to their capacity, to endure the vicissitudes of our climate, when laid in a situation so trying as that of wharves and piers.

I understand the late Street Commissioner is preparing a Report, which is looked for with much interest, and which will greatly aid the Common Council in their investigation of this subject.

From all the documents I have been able to peruse, and from my own observations, it does appear to me, that the energies of the Common Council may be most beneficially bestowed on the great work, of supplying the City with wholesome water. It is not possible to render this city comfortable, cleanly, or healthy, by any project or combination of means, short of the ample sources of fresh water in West Chester County, brought in full supply to every street in the City.

It is unnecessary to trouble you with my views, in much detail, at this time. I refer you to the voluminous documents in your possession on this subject; and although some difference in data and opinions are found in those documents, I believe the work not only practicable, but that it may be done at a cost far below its real value to the city, and that if sound policy should so advise, a large revenue may be ultimately derived from the sale of the water, for other objects of public improvement.

That numerous difficulties and impediments will present themselves, in the prosecution of a work of such magnitude, is certain. Among these, may perhaps be the chartered rights claimed by the Manhattan Company, which like other legal

or physical obstructions, should be surmounted by compromise, or otherwise, without prejudice or passion.

Permit me now, to draw your attention to some of the legal and moral causes, which influence the character of a people, and retard or advance their public or private prosperity. Any legislation that shall tend to prevent vice or crime, is universally conceded to be preferable to that, which merely prescribes and enforces the penalties.

The general diffusion of knowledge, the extension of education, by teaching every individual his own best interests, and his surest road to happiness, are the best measures within the reach of *legislation*, for the promotion of general morality. In this belief, I recommend your constant vigilance over the common schools.

The funds appropriated for their support are now ample, and no children in the city should be permitted to grow up, without learning at least to read and write.

I have been presented with the copy of a plan now under discussion in the Public School Society, which promises, if adopted, a very great improvement, if not a radical reform, in our system of common school education. It is a part of the new project to divide the several wards into small school districts, each embracing from fifty to eighty children, likely to attend a free school. That these *primary schools* be kept for the smaller children by respectable females, who will make themselves acquainted with every family in their respective districts, and that a higher grade of education be established in the large public school buildings, to which the children from the district schools are to be admitted at a suitable time, to fininish their education.

In my opinion the Watch Department requires the immediate attention of the Common Council.

The number of Watchmen, however faithful and vigilant, are utterly insufficient to guard the property and persons of

the citizens. There are some watch posts which cannot be *carefully* and *watchfully* patrolled in a less time than from one to two hours. Thus, while the Watchman is faithfully performing his duty in one point of his patrol, the incendiary or the burglar in the opposite, or most distant part, has from one to two hours unmolested leisure, to perform his nefarious work.

From the best information I can obtain, the number of Watchmen have been increased not exceeding from fifteen to twenty-five per cent. during a period of time in which the population and the property of the City have been augmented one hundred per cent.

The suspension of business at this season of the year, depriving many persons of their usual employment and income —the loss of that income during the epidemic Cholera—the returning of numbers of laborers to the City from inland public works, are circumstances requiring your attention. It is at the same time a subject of congratulation, that the property and persons of our City, may be safely protected by a moderate number of our fellow-citizens, while most or all the large cities in Europe require an armed police.

In the late revision of the Statutes of this State, the Police Laws applicable to this City, (unintentionally as I understand,) were materially injured, in so much that the deficiency of Police powers has rendered the duties of the Magistracy difficult and perplexing. I am gratified that measures are in progress in the Common Council, for application to the Legislature for a full and beneficial restoration of powers and amendments, in this branch of our Jurisprudence.

In connexion with this subject, I would suggest for your consideration, the repeal of such Laws or Ordinances of the Common Council, which, from change of circumstances, have become obsolete, or from any cause are disregarded and inoperative. The continuance of such Laws or Ordin-

ances are obviously calculated to bring into disrepute the more wholesome and absolutely necessary municipal regulations.

I have not been able to make myself sufficiently acquainted with the present state of the finances of the City, to warrant any suggestions at this time in relation to that important department. On this and other subjects, it may become my duty to make occasional communications.

I am aware that the multiplicity of duties devolving on the Common Council, will not admit of its present action on all the topics of this communication, and that the prosecution of the measures I have recommended, will require considerable pecuniary disbursements, and while I would earnestly urge great deliberation in appropriations, and strict economy and accountability in all expenditures, I am satisfied that a narrow and stinted limitation of means, for all necessary purposes of wholesome government, is the worst kind of economy.

I feel confident that all judicious expenditures for the promotion of public health, and the protection of property, will be met with cheerfulness, by the good sense and patriotism of those on whom taxation chiefly falls, and the poor who are not required to contribute, will not fail to "rise up and bless you."

GIDEON LEE.

New York, January 2, 1833.

DOCUMENT NO. XLVI.

BOARD OF ASSISTANTS.

JANUARY 14, 1833.

Report of the Committee on Police, Watch and Prisons, on the application of Mr. Labagh to remove the body of Mrs. Nicholson to the Trinity Church Vault. Adopted.

JOHN W. RICHARDSON, Clerk.

The Police Committee, to whom was referred the petition of A. Labagh, Esq., to have the privilege of removing the remains of Mrs. Frances Nicholson, to her Family Vault in Trinity Church Cemetery,

REPORT,

That they cannot grant the request of the petitioner without violating the Laws and Ordinances of the Corporation.

Should this application be granted, it would serve as a precedent for future applications of a similar nature, and a com-

pliance would not only be dangerous to the public health, but would make our laws a perfect nullity.

The petitioner, and the relatives of the deceased, are no doubt aware of the right to remove the body of the deceased to the place desired, subject however to the penalty and payment of Two Hundred and fifty Dollars. Your Committee offer the following resolution, to wit:

Resolved, That it is unnecessary, and contrary to law, to grant the request of the petitioner.

D. BANKS,
PETER S. TITUS,
JAMES RIKER,
Committee on Police.

DOCUMENT NO. XLVII.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report of the Street Committee, on the petition of Samuel B. Ruggles, to open and name a new street. Adopted, and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the petition of Samuel B. Ruggles to open and name the new street or avenue, between and parallel to the Third and Fourth Avenues,

RESPECTFULLY REPORT,

That the petitioner, in the years 1831 and 1832, succeeded, after a series of complicated and difficult negotiations, in uniting in one compact rectangular tract, numerous detached parcels of land of irregular shape, lying adjacent to each other

in the Twelfth Ward of this city: which parcels thus united and consolidated, the petitioner has since laid out into upwards of five hundred valuable building lots. At the time the petitioner thus acquired this large tract of land, its surface was exceedingly uneven, requiring the excavation and embankment of upwards of a million loads of earth, to conform it to the Corporation level. This great and valuable work the petitioner during the last eighteen months, has prosecuted with characteristic and unremitting activity, so that the whole will probably be completed within the present year; thus levelling, regulating, and rendering available, for the use of our rapidly increasing population, a broad, central section of this city, extending in length from Fifteenth to Twenty-seventh-street, a distance of nearly two-thirds of a mile.

In order further to enhance the value of these lands, and to embellish and adorn the city, the petitioner at his individual expense, has laid out forty-two lots of land, between the Third and Fourth Avenues, in an open ornamental square, which he is now surrounding with an elegant iron fence, and has bound himself to keep open forever.

As a further auxiliary, he has laid out a spacious street or avenue, seventy-five feet wide, parallel to and between the Third and Fourth Avenues, extending north from Fourteenth to Thirty-first street, and running nearly half a mile through his own lands; and he has attended before the State Legislature and procured the passage of the statute necesary to lay down this avenue upon the map of the city.

Upon that portion of this avenue, between Fourteenth and Twentieth streets, the petitioner proposes to erect costly buildings; and he therefore now petitions that it may be duly opened and regulated.

Your Committee deem it due to the petitioner, that the Common Council should afford every reasonable facility to the extensive and valuable improvements already made and

in a state of completion by him; and perceiving no objection to the proposed measure, they recommend to the Board the adoption of the subjoined resolutions.

In reference to naming the street, the Committee report that the petitioner solicits the Corporation "to allow him, in testimony of the respect and gratitude justly due to our distinguished countryman, WASHINGTON IRVING, to confer upon this portion of the avenue the name of 'IRVING PLACE.'"

Your Committee willingly respond to this request of the petitioner, believing that the compliment is merited by one who has done so much to elevate the name and character of America, both at home and abroad.

The Committee therefore respectfully offer the following resolutions, and recommend their adoption:

Resolved, That so much of the new street or avenue, laid down on the map of the city of New York, between and parallel to the Third and Fourth Avenues, extending from the north line of Fourteenth street to the south line of Twentieth street, be opened and regulated, and that the Counsel adopt the necessary measures for that purpose; and that all papers required for that purpose be authenticated in the usual manner.

Resolved, That the said street from Fourteenth to Twentieth street, be named and known hereafter as "IRVING PLACE."

WILLIAM W. HOLLY,
Chairman,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENT NO. XLVIII.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report of the Police Committee on the petition of T. Storm and C. F. Bunner, to remove the remains of Mrs. Bunner to the Family Vault in the Middle Dutch Church Yard. Adopted.

JOHN W. RICHARDSON, Clerk.

The Police Committee, to whom was referred the petition of Thomas Storm and C. F. Bunner,

REPORT,

That these applications of late have become so frequent, and reported upon so fully, that your Committee deem it necessary at this time only to say, that a compliance with the request of the petitioners would be a direct violation of the Laws and Ordinances, and should the Corporation grant permission in a solitary instance, a precedent would be set, and applications for the removal of dead bodies would be endless.

Your Committee know that the great end and object of the Law is the certainty of carrying the same into effect; without it all Law becomes nullity; it is a duty upon us to enforce them in every particular, and they will then not only be respected but compel implicit obedience.

The following resolution is offered for adoption:

Resolved, That the prayer of the petitioners be denied.

D. BANKS,
PETER S. TITUS,
JAMES RIKER,
Police Committee.

DOCUMENT NO. XLIX.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report and resolution on the subject of the New York Society Library. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

THE PETITION

Of the Trustees of the New York Society Library,

To the Common Council of the City of New York,

RESPECTFULLY SHEWETH:

That so early as the year 1754, the New York Society Library existed as a literary institution, and then was cherished by the Common Council of the City; for it held its meetings and deposited its books in the old Exchange in Broad street, a building belonging to the city. It received a charter

from the Colonial Government in the year 1772, and continued to flourish, till the events of the Revolutionary War scattered its members and its books.

In the year 1789 its charter was renewed by the Legislature of the State, and the Corporation of the City assigned it a room in the old City Hall. This room, the best that could be spared, was nevertheless, after some years, not sufficiently large or convenient for the library; and the Trustees of it, with great exertion and expense, erected their present building.

Since that time it has gone on through many struggles, unaided by state or municipal patronage, to its present condition. It now contains about twenty thousand volumes; many of them the most valuable and rare. It has always opened its doors to strangers and citizens, for the purposes of literary research, and has by this liberality, constituted itself, in fact, a public library.

Besides this great property in books, the library possesses a permanent annual income of nearly two thousand dollars, and it owns, in fee, the library building in Nassau street: but the location of that building, at one end of the City, is inconvenient for a public library, and the plan upon which it was built, renders it unfit for the present large and fast increasing number of the books of the Society. The Trustees have, therefore, for some time, been looking for a better situation, and now submit to the Corporation, the plan which they wish to effect.

Their building in Nassau street will probably sell for a price, which, after the payment of a debt of two thousand seven hundred and fifty dollars, (the only one the Society owes,) would leave towards a new location, a very considerable sum. This sum, the Trustees have no doubt, would be adequate to the erection of a handsome building, in all respects suited for a great public library; but it would not be adequate also,

to the purchase of ground, properly situated, on which to erect it.

They, therefore, ask of the Corporation of the City, a grant of some piece of ground near the City Hall, as a site for the library, subject to the condition, that it shall be always leased for a library, and that the members of the Corporation, and the officers of the state, and general governments, shall have free access to the books.

If the Trustees receive such a grant, the building in Nassau street will be sold, and a sum fully adequate, will be applied to the erection of such a building as shall be creditable to the city and to the institution. A library of twenty thousand volumes, with permanent means of rapid increase, will then be deposited near the Hall, in a spacious handsome building, and its Trustees may then with great propriety inscribe upon its portal, the name by which it has always commonly been called, "THE CITY LIBRARY."

The Trustees of the New York Society Library, do not feel, on this occasion, like ordinary petitioners: they consider this Honorable body as much interested as themselves in the furtherance of their plan. Legislative bodies, national, state and municipal, are in the habit of appropriating money for the establishment of libraries, for their own use. The plan proposed would, without any such appropriation, establish a library already great, and rapidly increasing, of which the Corporation of the City would always have the use, in the immediate neighborhood of the City Hall.

All agree that a great public library is of primary importance:—in a free country, and a flourishing city it is eminently so; but great as is our state, and flourishing as is our city, we have been reproached with a relative inferiority in this most important matter. The Trustees will not undertake to say that this reproach is entirely unjust; but this they will say, that with twenty thousand volumes, such as they possess, in-

creasing rapidly, and deposited in such a building as they contemplate, the reproach would soon cease to be made.

It is with such views, that the Trustees of the New York Society Library, have presented to this Honorable Body, this their petition.

New York City, December 15*th*, 1832.

By order of the Trustees,
JOHN I. MORGAN, Treasurer,
New York Society Library.

EVERT A. BANCKER,
Secretary, N. Y. S. Library.

The Committee to whom was referred the petition of the New York Society Library,

REPORT,

That the Trustees of that Institution ask of the Common Council, a grant of some piece of ground near the City Hall, as a site for a Library. If they receive such grant, they say they will erect an edifice which shall be creditable to the city, and deposit in it their large and valuable library, giving the use of it to the Corporation forever.

It appears to your Committee, that this Literary Institution has existed in this city as early as the year 1754, at which time, to use the language of your petitioners, "it was cherished by the Common Council of the City." The Legislature of the State renewed its colonial charter in 1789, when the Corporation of New York assigned for its use, a room in the old City Hall, which, after some time, was not found sufficiently commodious. The Trustees erected, under many difficulties, the building now in their possession, in Nassau street, where the institution has since struggled on, unaided by municipal or state patronage. The Library con-

tains about twenty thousand volumes, many of them the most valuable, and daily increasing in number and value.

Your Committee have no hesitation in giving it as their opinion, that the *liberal* and *patriotic* views evinced by the Trustees of the New York Society Library, as set forth in their petition now under consideration, should be met in a corresponding spirit in the City Authorities; and that not to do so, would be to legislate adverse to the *interest* and *will* of the enlightened and liberal citizens of New York—viewing, as they do, that in the promotion of education, every avenue should be opened which leads to the stores of useful knowledge; and that the object should be, not only to make it honorable and profitable, but easy and convenient to be employed in the advancement of science and learning.

Your Committee deem it unnecessary to say more in this report; but beg to call your attention to the petition, which it is believed will induce your approval of the following, viz:

Resolved, That as it has heretofore been considered inexpedient to remove the building on Broadway, called the Bridewell, that it be assigned to the New York Society Library, on the following conditions:—That it shall be ornamented and fitted up by the Trustees, in conformity with the plan which shall be decided upon by the Mayor, and the Committees on Arts and Sciences of the two Boards. And the building to be held by said Trustees, so long only as it shall by them be used as their library, or so long as the Common Council shall not make any other disposition of the property: in which last case, the Trustees of the Library are to be repaid such proportion of their expenditure, in ornamenting and fitting up the building, as shall be decided by three respectable citizens, to be chosen, one by the Common Council, one by the Trustees, and the third by the two so chosen. And on the further condition, that the *present* and *future* members of the Common Council, and the heads of

Departments of the City Government shall have free access to the books of the library, in the said building.

JAMES MONROE,
Chairman,
G. W. BRUEN.

DOCUMENT NO. L.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

COMPTROLLER'S REPORT.

The reading thereof was on motion dispensed with, and double the usual number of copies ordered to be printed, under the direction of the Comptroller.

JOHN W. RICHARDSON, Clerk.

The Comptroller respectfully presents to the Common Council, the several statements hereunto annexed, as showing the amount necessary to be raised by tax, for the disbursements of the current year.

That marked A, exhibits the estimated and actual nett receipts under the same heads of account for the past year.

That marked B, exhibits in the same manner the estimated and actual nett payments for the same period; by which there appears to

have been disbursed, beyond the amount provided for by the tax of 1832, the nett sum of - - - - - - $177,845 08

C, is an estimate of the sums that will most probably be required to meet the nett (ordinary) expenditures, under the several heads of account as therein mentioned; and for the several special appropriations, also therein named, amounting to the sum of 816,375 72

Total, $994,220 80

To meet which, the statement marked D, exhibits the revenue to be derived from other sources than taxation, estimated at - 165,700 00

Leaving the sum of - - - - $828,520 80

to be raised by tax, for the year 1833; and this amount will be found, (on examining statement C,) not to provide for any material additions to the ordinary expenditure, nor for any extra demands not therein detailed—as for example, the projected increase of the Watch, if carried into effect would of itself swell the amount wanted very materially—the Comptroller would therefore repeat his suggestion of the last year; that if any expenditures are contemplated, of which he cannot be supposed to be informed, it will be necessary to increase the tax in proportion to the expected new demand.

As the payments have so far exceeded the estimate for the last year, it is deemed proper to bring to the notice of the Common Council, some of the accounts under which the principal increase were made; thus, the amount expended under the Board of Health, by reason of the EPIDEMIC, and which could not possibly have been anticipated, amounted alone, to the sum of - - $100,000 00

CLEANING STREETS—an alteration in the Law relating to this subject, which was not contemplated at the date of the

estimate, caused an increase of expense, to the amount of about - - - - - - $ 24,000 00

Roads—under this head, the amount of expenditure could not reasonably have been anticipated; for by comparison of the expense of previous years, that of 1831 was considered, at the time, as excessive; and there being no contract in existence for continuing the expenditure on the Third Avenue, nor on the other roads, which had been but recently so favorably reported on, the Comptroller supposed his estimate of $20,000, to be a liberal one; it has however been exceeded in the sum of $62,854 20

The balance of the increased disbursements is mostly to be accounted for by payments under the special appropriations, as per statement B.

Although the amount required to be raised by tax, is increased very far beyond that of all former years, yet it must be considered, that the circumstances which have tended most to produce this necessity, were very peculiar, and may not, as it is sincerely to be desired they should not, again occur.

The fact of having applied the last year for a sum beyond the estimated wants, diminishes the present year's requirements about $40,000; and seems to furnish an argument in favor of a similar provision, in the application now to be made to the Legislature.

As a full provision for the payment of the current expenses of the City as they accrue, appears to be the only certain method of avoiding a resort to other than temporary loans, and thereby preventing an increase of the permanent debt, the Comptroller would respectfully recommend, that authority be applied for, to raise the whole amount estimated, with such an addition for contingencies, as to the better in-

formation of the Common Council relative thereto may seem meet.

Respectfully submitted by

T. J. WATERS, *Comptroller.*

New York, January 21, 1833.

A.

Statement of the estimated and actual nett Receipts for the year 1832, under the following Heads of Account, viz :

	Estimated.	*Actual.*
Annual Rents, - -	$100,000 00	$94,290 13
Auction Duties—from the State Treasury, - -	10,000 00	10,000 00
Arrears of Taxes, - -	3,500 00	5,649 91
Commutation for Alien Passengers,	20,000 00	31,017 50
Mayoralty Fees, - -	1,900 00	1,519 25
Penalties, - - -	1,100 00	1,386 40
Tavern and Excise Licenses,	22,500 00	22,178 00
	$159,000 00	$166,041 19

Amount received beyond the estimate is $7,041 19.

B.

Statement of the estimated and actual nett Payments for the year 1832, under the following Heads of Account, viz :

	Estimated.	*Actual.*
Alms House, Bridewell and Penitentiary,	$135,000	$139,484 45
Board of Health,	2,000	102,575 87
Charities,	4,000	4,400 00
Cleaning Streets,	5,000	28,987 24
Coroners' Fees and Expenses,	3,300	3,183 46
County Contingencies,	17,500	20,474 96
Courts,	27,000	24,428 38
Docks and Slips,	30,000	37,138 14
Elections,	3,500	3,615 00
Fire Department,	12,000	13,942 10
Interest,	50,000	37,744 84
Intestate Estates,	1,000	771 01
Justices Courts,	2,000	4,809 22
Lamps and Gas,	63,000	61,052 97
Markets,	12,000	8,831 74
Police,	12,000	12,196 05
Printing and Stationary,	4,500	5,092 79
Repairs and Supplies,	10,000	16,508 25
Roads,	20,000	82,854 20
Salaries,	35,500	37,024 07
Street Expenses,	15,000	16,870 71
Watch,	95,000	90,257 35
Wells and Pumps,	3,500	3,927 42
Public Reservoir, for current expenses,	3,000	4,249 20
	$565,300	$760,419 42

Payments made under the Special Appropriations of 1831, *which being in progress of expenditure, were provided for in the estimate for* 1832.

		Payments.
Old Debtor's Jail, - - -	$12,000	$8,798 50
Fence on Chambers street, - -	2,000	1,572 39
Privies in the Park, - - -	2,500	2,500 00
Farms on Long Island, - -	900	900 00
Ferry House at Hell Gate, L. I. -	700	482 50
Pier foot of Harrison street, -	*1,700	
Tenth Avenue, working from Fifty-first to Seventieth street, -	*1,175	
Stoves for sundry offices, - -	* 700	
Gas Lamp Posts, - - -	7,500	
Bulkhead on West street near Fort Gansevoort, - - -	6,000	
	$35,175	$14,253 39

Payments made under Special Appropriations, made subsequent to the estimates for 1832.

Privies in the Park, - - - - -		$242 00
Old Alms House, altering and repairing, - -		8,472 73
Coal for Charitable Distribution, - - -		5,731 21
Public Reservoir—for further excavations,	$1,027 00	
—for extending the lines of pipes,	12,788 35	—13,815 35
Houses for the children on the Long Island Farms,		6,000 00
Watch and Engine House, corner of Delancey and Attorney streets, - - - - -		4,527 40
Market Ground and Houes, corner of Greenwich Lane and Sixth Avenue, - - -		12,076 00
		$50,864 69

* Payments included under the general heads of account.

RECAPITULATION.

Payments under General Heads of Account, - - - -		$760,419 42	
Do. Special Appropriations of 1831,		14,253 39	
Do. Special Appropriations of 1832,		50,864 69	
			$825,537 50
Amounts estimated under general heads of Account, - - -		$565,300	
Do. Special Appropriations of 1831,		35,175	
			600,475 00
Amount expended beyond the sum estimated is			$225,062 50
From which deduct the amount provided to meet extra demands, being the difference between the tax actually raised, - - -		$550,000 00	
And the nett amount estimated as per last year's report, - -		509,823 77	
		$40,176 23	
Also, the amount of receipts beyond the estimate as per statement A herewith, - - -		7,041 19	
			47,217 42
Which leaves a nett disbursement of beyond the amount provided for by the tax of 1832.			$177,845 08

C.

ESTIMATE *for the nett Expenditures of* 1833, *under the several Heads of Account stated in the following list, viz :*

	Nett Expenditures of 1832.	Estimated Nett Expenditures for 1833.
Alms House, Bridewell, & Penitentiary,	$139,484 45	$145,000
Board of Health,	102,575 87	10,000
Charities,	4,400 00	5,000
Cleaning Streets,	28,987 24	35,000
Coroner's Fees and Expenses,	3,183 46	3,500
County Contingencies,	20,474 96	20,000
Courts,	24,428 38	27,000
Docks and Slips,	37,138 14	30,000
Elections,	3,615 00	4,500
Fire Department,	13,942 10	15,009
Interest,	37,744 84	55,000
Intestate Estates,	771 01	1,000
Justices Courts,	4,809 22	4,000
Lands and Places, (heretofore included in Contingencies,)		3,500
Lamps and Gas,	61,052 97	66,000
Markets,	8,831 74	10,000
Police,	12,196 05	15,000
Printing and Stationery,	5,092 79	5,500
Public Reservoir—for current expenses,	4,249 20	4,500
Repairs and Supplies,	16,508 25	15,000
Roads—exclusive of the Third Avenue,	17,672 70	15,000
———Third Avenue,	65,181 50	33,000
Salaries,	37,024 07	40,000
Street Expenses,	16,870 71	25,000
Watch,	90,257 35	102,000
Wells and Pumps,	3,927 42	4,500
		$694,000

SPECIAL APPROPRIATIONS, *the most of which are in progress of Expenditure, viz :*

Pipes for conveying Water, account of Purchase, a balance of - - - - - -	$24,425 45
——— account of laying them down, balance of - - - - - -	2,786 20
Pier and Bulkhead at Market street Slip, and two Piers at Clinton street, balance of - - -	10,625 00
Pier and Sewer foot of Canal street, a balance of	6,563 50
Pier foot of North Moore street, - - -	10,000 00
Bulkhead on West street, near Fort Gansevoort,	6,000 00
Bulkheads foot of Gouverneur street, balance, -	3,100 00
Gas Lamp Posts, - - - - - -	7,500 00
Old Debtors' Jail, (or Records Office,) a balance of	4,101 90
County Clerk's Office, Repairs and Fixtures, -	200 00
Houses for the Children on the L. I. Farms, a balance of - - - - - -	1,000 00
Old Alms House, fitting apartments for U. States Courts, &c., a balance of - - - -	1,139 25
Arranging and Printing the Laws of the State relating particularly to the City of New York, a balance of - - - - - - -	750 00
Truck for Hook and Ladder Company No. 4, and three Hose Carts, - - - - -	515 00
Information relative to supplying the City with Water, a balance of - - - - -	594 42
Fixtures for Bust of De Witt Clinton, - -	300 00
Portrait of the Hon. Walter Bowne, - - -	300 00
121st street from 3d Avenue to Randal's Dock, repairing - - - - - - -	100 00
10th Avenue between 51st and 70th street, working, a balance of - - - - -	175 00
10th Avenue between 38th and 44th street, working a balance of - - - - - -	200 00
8th Avenue south of the Bloomingdale Road, repairing, a balance of - - - -	2,000 00
Board of Health (amount not yet called for) -	15,000 00
Carried over,	$97,375 72

Brought over,	$97,375 72
To which, add the balance of appropriation for the Market ground, corner of 6th Avenue and Greenwich Lane, for payment of which Bonds were issued, that are now to be provided for as not coming within the denomination of Loans in anticipation of the revenue, - - - -	25,000 00
	$122,375 72
Amount brought over, - - - - -	694,000 00
	$816,375 72

D.

ESTIMATE *of Revenue to be derived from the several sources as herein named, viz :*

Annual Rents, - - - - - -			$100,000
Auction Duties, from the State Treasury, - -			10,000
Arrears of Taxes, - - - - - -			5,000
Commutation of Alien Passengers, - - -			25,000
Mayoralty Fees, - - - - - -			1,500
Penalties, - - - - - - -			1,200
Tavern and Excise Licenses, - -		$30,000	
Less expenses of issuing,	$1,500		
Public School Society's claim, - - -	1,500		
House of Refuge claim,	4,000	7,000	23,000
			$165,700

DOCUMENT NO. LI.

BOARD OF ASSISTANTS.

FEBRUARY 6, 1833.

The Committee on Arts and Sciences, &c., to whom was referred the petitions of the Mechanics' Institute, and the College of Pharmacy, presented the following report. Laid on the table, and made the special order of the day at the next meeting.

JOHN W. RICHARDSON, Clerk.

The Committee to whom was referred the petitions of the College of Pharmacy, and Mechanics' Institute, beg leave

RESPECTFULLY TO REPORT,

That there now exist in this city, the Lyceum of Natural History, the Mechanics' Society, the Mechanics' Institute, and the College of Pharmacy, all devoted to the diffusion of knowledge and practical science. The Lyceum of Natural History possesses specimens in Mineralogy, comparative

Anatomy, books embracing works relative to these departments, to the value of fifteen thousand dollars. The Mechanics' Society has a Library called the Apprentices' Library," of the value of five thousand dollars. The Mechanics' Institute, and College of Pharmacy, materials for the illustrating their several branches, to the value of two thousand five hundred dollars. These expenditures in the aid of Science, amount to twenty-two thousand five hundred dollars. The liberality of a few individuals has accumulated these important means of extending the lights of knowledge among a class of the community which would have been destitute of moral improvement and intellectual cultivation, had not their zeal been stimulated by the most beneficent objects and elevated purposes.

The system of education adopted by the liberality of our State, ceases when its common rudiments have been taught, and the Mechanic, during his apprenticeship, is left entirely destitute of informing himself upon his art, except by the experience of his employer. The Seminaries of learning are closed to him by the high price of admission, or are not accessible by the hours that are employed in his daily occupation. The evening, which constitute his moments of leisure, offer no attraction for mental cultivation, and must be spent in some amusement—in the dissipation of the Theatre,—in the unprofitable discussion of politics,—or in the revelry of the ale house. It is to substitute a love of Science, and a thirst for the acquisition of knowledge for these moral wastes, that the liberal projectors of these institutions demand the aid of our City Authorities.

These Institutions should be fostered, because they impart to the recipient, a better acquaintance with his own powers —more expanded views of the dignity of his own nature, and a better knowledge of the principles of liberty which he inherits from his country. It is in vain that numerous Benevo-

lent Societies are appealing to the moral sense of the community, when the active powers of the mind are absorbed by the profligacy of the passions, or subdued by the control of vicious passions. The purposes of education are poorly obtained when they extend no further than the mere mechanical attainments of reading and writing; it is the moral effects that are to be brought out, that society may understand its relations, as well as its compact. How can it be expected that the great principle of universal suffrage can be sustained, except it be by the close and rigorous inspection of a mind that asserts its own rights by a knowledge of its own powers; or how can our liberty be preserved, except it be by a knowledge of the difference which exists between matter moving among its own particles, and that freedom which has its impulse in intellectual endowment? Cultivation is the great boast of our species, and forms the great line between instinct and reason. And if the progressive improvement of our nature, be the great and distinguishing mark, which separates us from the brute creation, upon what principle can we deny to our fellow man, the benefits which this leading quality confers on him? Who can contemplate, without delight, the Lord Chancellor of England, Brougham, descending from his high station, where every thing which can gratify pride, or excite ambition, is constantly within his grasp, retiring to his study and conveying to the Mechanic the familiar illustrations of some obstruse science, or complicated art? The Library of Useful Knowledge is a monument to him, that time can never reach, for its inscription is found in the moral improvement of his Country.

These institutions do not contemplate a system of Education that is ornamental, but they sustain a plan which is emphatically practical; they embrace Natural Philosophy in its application to Manufactures, Architecture, Surveying and Drawing.

These branches of Science have an immediate bearing upon the business of life, and consequently recommend themselves to public patronage. The limits of a Report do not permit details ; but they are too self evident for illustration, even if it did.

It is a matter of deep regret, that New York, with a population of 220,000, does not possess one building devoted to scientific purposes. France and England have expended their thousands, and even Germany with its despotic government, is generous to Letters. To them the cause of Science cannot have equal claims, where the people form so small a portion in its interests ; but in our Republic, where all have equal rights, the duty of extending the boundaries of knowledge, is more pressing and less equivocal. If we hope to perpetuate the blessings of Freedom, it must be by securing the best cultivation of talent, and encouraging capacities to its full desire. If our institutions cannot bear the illumination of intelligence, they are soon destined to fall before others which are created by it. In London there is an institute for mechanics, where all useful branches of science are taught with the best effects, and the improvement which has thus far manifested itself, has created new impulses for further exertion. Books corresponding to the wants of mechanics have been prepared, and are now issuing in a cheap form, and their circulation has increased beyond the most sanguine expectations of the projectors of this method of diffusing knowledge. Philadelphia has her Franklin Institute and a Journal devoted to Science. Boston has also increased the means of placing before her mechanics, the ability to obtain information beyond the common rudiments of education.

New York then stands alone, she does not possess a single hall, where a distinguished stranger can communicate the fruits of his knowledge to her citizens. Private munificence has done every thing, while public bounty has been closed to the important subject of substantial and practical education.

Our merchants have erected for their clerks a building which does honor to their liberality, and for which they receive a compensation as gratifying to their pride, as it is beneficial to the city ; here the best talents are enlisted, and already the moral and intellectual character of the clerk is advancing from the lessons of practical wisdom, which are here liberally extended to him.

The Mechanics' Society has a library and a reading room, where many apprentices assemble for instruction. When the establishment was first formed, its continuance was considered doubtful, and with many, hopeless. The apprentices had an evident distaste for reading, and perseverance alone has secured a result, which is evinced in the increased inquiry for books, a more orderly deportment, and moral improvement.

The Mechanics' Institute now comprises four hundred members, and if their means would permit, they soon would be increased to one thousand.

This Institution employs a Lecturer upon Natural Philosophy, Chemistry, and Mathematics, and has already a library of five hundred volumes. The members are generally poor, yet they contribute liberally to extend a plan of more liberal education.

There are in this city upwards of ten thousand mechanics, who are left destitute of the advantage which properly belongs to them. The legislature has been liberal and even lavish to the Colleges of the State, which are in fact intended for the rich ; but to the mechanic, who indeed needs public bounty, she has been neglectful and parsimonious. To the Common Council he now looks with confidence for that assistance which has so unjustly been withheld from him ; and there is no doubt if the State is awakened to its true interest, by the spirit and liberality of our City, a correspondent disposition will be manifested to his advantage.

Our government is strictly democratic; property has no representation, and if we wish to preserve the honest gain of the industrious, the controlling power of education can alone secure an equal distribution of right; ignorance soon creates a mob, while the transforming power of intelligence exalts our nature, strengthens its powers, and bases society upon moral freedom.

Many complain of universal suffrage; the injury is not in the act, but in the improper exercise of it. If there be any injury, it is found in the array of physical force against inteligence, and to subdue the former by the cultivation of the latter, will constitute a work of growing importance to our City and State.

If we fear infidelity, agrarian principles and intemperance, our only refuge is in disseminating knowledge in every form. The object of education is to create a moral sense in the community, and when it exists, fanaticism falls from our religion, defined principles of government are substituted for selfish considerations; and then public opinion make laws, and find remedies for evils. Many of our laws are dead letters, for they are either in advance of public opinion, or the restrictions they impose, form too strong bands for the existence of society.

If these institutions are to elevate the prosperity of our Republic, in this signal manner, shall we not aid their generous purposes, and disinterested intentions?

The Committee cannot apprehend that individual enterprize, in so laudable a cause, will be permitted to wither and die in the shade of public restriction. They cherish the hope, that the collected energies of every class of this community, will now be brought to aid and sustain the sanction which this Common Council is prepared to give to pursuits, which must result in the improvement of the moral and intellectual condition of our City.

They therefore propose, that the Common Council should petition the Legislature to release to them, two lots of ground, adjoining the New York Dispensary, now in the possession of the State, for the purpose of erecting a building to accommodate these Institutions; and that the Counsel of the Board be authorized to prepare a Memorial to effect the above object.

J. R. RHINELANDER,
JAMES PALMER,
PETER SHARPE,
JAMES MONROE,
GEORGE W. BRUEN,
JEREMIAH TOWLE.

DOCUMENT NO. LII.

BOARD OF ASSISTANTS.

FEBRUARY 25, 1833.

Report from the Commissioners of the Alms House. Referred to Committee on Charity and Alms House, and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Commissioners of the Alms House respectfully represent to the Common Council, that the state of the Lunatic Asylum Establishment at Bellevue, requires, in their opinion, some further provision on the part of the public authorities.

By the present arrangement, the sick and the insane are crowded together in one building, and although the apartments of the latter are separated, as far as practicable, from

those of the former, it is impossible to prevent the yells and cries of the lunatics from reaching the ears of the sick.

Another and a greater evil, is, the impossibility of classifying the lunatics themselves. The simple idiot, the partially deranged, and fierce, outrageous madman, the curable and the incurable, are to a great degree, from necessity, blended in one common family. There are cells, it is true, for the confinement of the *persons* of the more violent, but there are no means of preventing their horrible *noises* from disturbing and distracting their fellow sufferers.

To expect many, or even any cures under such circumstances, would, we conceive, be almost as irrational as the wild calculations of some of the lunatics themselves; and yet it would seem to be the dictate, not of humanity merely, but of interest, that a public establishment of this description should be so organized as to insure not only the confinement of the inmates and the prevention thereby of injury to others, but also a reasonable share of the ordinary comforts of life, and a fair prospect of recovery to this most afflicted portion of our fellow-beings.

The present number in the Lunatic Department is one hundred; a farther increase, corresponding with the rapid growth of our general population, must of course be expected. The average proportion of the outrageous subjects is about one-tenth of the whole number. For this latter class, small cheap buildings, detached from each other and from the main establishment, ought to be provided.

For the others, exercise and employment, as far as practicable, in the open air, in farming and gardening, would, it is believed, be the cheapest, as well as the most effectual mode of treatment.

The Commissioners therefore suggest, for the considera-

tion of the Common Council, the expediency of removing the whole Lunatic Establishment to Blackwell's Island.

Respectfully submitted,

By order of the Board of Commissioners.

JOHN TARGEE, *Chairman.*

February 25, 1833.

DOCUMENT NO. LIII.

BOARD OF ASSISTANTS.

FEBRUARY 25, 1833.

Report of the Special Committee on the Contract of the Manhattan Gas Company. Not accepted.

JOHN W. RICHARDSON, Clerk.

The Special Committee to whom was referred the Contract with the Manhattan Gas Company, as prepared by the Counsel of the Board, beg leave to submit the same, and as there has been some difference of opinion, both as to the boundary line between the two Companies, and the period within which the new Company shall be required to fulfil the stipulations of their proposed Contract, they beg leave to be discharged from the further consideration of the subject, and to submit the whole matter to the consideration of the Common Council.

GEORGE W. BRUEN,
Chairman

DOCUMENT NO. LIV.

BOARD OF ASSISTANTS.

FEBRUARY 25, 1833.

Report of the Finance Committee on the petition of A. L. Stewart and others, in regard to the pavement of Hoboken street. Report adopted.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the petition of Alexander L. Stewart, and others, to be relieved from the assessment for paving Hoboken street, from Washington street to West street,

RESPECTFULLY REPORT,

That the petitioners in this case claim to be exempt from the expense of paving Hoboken street, on the ground that the said street was heretofore paved at the expense of the adjoining owners, and accepted by the Corporation, and therefore,

that under the ordinance of 30th April, 1827, the said street should forever after be paved and kept in repair at the cost of the city.

It is true that Hoboken street as it formerly was, was paved by the adjacent owners, and if it had not been widened, (which has been done since the street was paved, and wholly at the cost of the Corporation, without any assessment on the owners of the adjacent property,) they, the Corporation, would have been bound to bear the cost of any repairing which might have become necessary; but the enlarging of the street, which has occasioned the necessity of a new regulation, and pavement, has, in the opinion of the Committee, taken it out of the operation of the above Ordinance, and the petitioners are therefore, in their judgment, not entitled to the relief sought by them. The Committee therefore submit the following resolution:

Resolved, That it is inexpedient to grant the prayer of the said petition, and that the said assessment be confirmed, and Thomas Cotterell appointed to collect the same.

PETER S. TITUS,
JOHN I. LABAGH,
D. McCARTHY,
Finance Committee.

DOCUMENT NO. LV.

BOARD OF ASSISTANTS.

FEBRUARY 25, 1833.

Report of the Committee on Public Lands and Places, on the petition for a public place at Corlear's Hook. Report adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Wharves and Public Lands and Places, to whom was referred the petition of Samuel Ackerly and others, praying to have a public place or promenade established at the point of Corlear's Hook,

RESPECTFULLY REPORT,

That they have with great care and attention examined and inquired into the subject, and more particularly so in consequence of its very great magnitude; and have directed the Street Commissioner to advertise the proposed measure, for the better information of all parties concerned. This has

had the effect of bringing forward, as remonstrants, a number of individuals, owners of the ground proposed to be taken, and, amongst others, Mr. James P. Allaire, who states, that if the contemplated measure is carried into effect, it will be utterly ruinous to him, inasmuch as it would entirely destroy his large and extensive establishment, the accumulation of many years of industry and perseverance.

It further appears, that other persons, who are large and extensive owners of the ground proposed to be taken, remonstrate against the same, and, as your Committee have been informed, and believe, that a very large number of the lots that would be liable to be heavily assessed, are held by persons under leases, with stipulations to pay all assessments, both ordinary and extraordinary, they are persuaded the consummation of the proposed measure will be attended with very injurious results to persons so situated, and who cannot, from the limited periods of their leases derive a benefit which would in any way be equivalent to the assessment that would unavoidably be imposed upon them.

Your Committee are fully aware of the importance of public and open places in large and populous cities, and would always recommend their establishment when such measures can be accomplished without too much individual sacrifice; but in this case it does appear to your Committee to be inexpedient, inasmuch as the cost would be enormous;—from estimates which have been made by well informed persons, not less than *Six Hundred Thousand Dollars*, and probably more; and in addition, owing to the situation of the ground, there would be but a small portion of the land sufficiently benefitted to induce the owners to encounter the large assessment which would certainly fall upon them.

There is yet another powerful reason, which, in the opinion of your Committee, operates with very great force against the adoption of the proposed measure, and that is—that it

will deprive the city of a considerable portion of the shore where the water is very bold, and which, it is believed, is essentially necessary to be reserved for commercial purposes.

It also appears to your Committee, that in establishing public squares, or open places, it is much more desirable to locate them towards the central parts of the City instead of the margin of the rivers, as their effect in the interior of the City will be much more beneficial than if they are placed on the open shore of the harbor; in addition to which a much larger number of lots will receive the benefit of them; and their establishment thereby rendered comparatively easy.

On a review of the whole matter, your Committee are of opinion that it will give more general satisfaction to improve that portion of the City by the construction of wharves and piers for the accommodation of vessels bringing all sorts of building materials, &c. &c. to market, and offer the following resolution, viz:

Resolved, That it is inexpedient to grant the prayer of the petitioners, and that the Committee be discharged from the further consideration of the subject.

FRANCIS FICKETT,
THOMSON PRICE,
D. BANKS,

Committee on Wharves, and Public Lands and Places.

DOCUMENT NO. LVI.

BOARD OF ASSISTANTS.

MARCH 11, 1833.

The following Documents, relative to the Street Commissioner's Communication, for Paving and MacAdamizing parts of Broadway, south of Canal street, are printed for the use of the Members.

JOHN W. RICHARDSON, Clerk.

The Street Commissioner respectfully and earnestly begs leave to call the attention of the Common Council, to the propositions which have at various times been made, in relation to the improvement of the pavements, in the streets of the city. This subject is of very great importance, when considered with regard to the amount of money annually expended, not only in laying down the new pavements, but also in the perpetual outlay necessary to keep them in repair; a sum which has already reached a very considerable amount, and is very rapidly increasing. The multitude of wheel carriages

of all descriptions, which throng the streets, (very many of them loaded exceedingly heavy,) produces such severe and incessant pressure on the pavement, that it would seem almost impossible, so long as the present materials are used, to construct a pavement capable of resisting the vast amount of labor which our crowded thoroughfares, like Broadway, are compelled to undergo.

The Street Commissioner is of opinion, that MacAdamizing the streets, in lieu of the pebble-stone pavement, which has been introduced with success in the neighboring cities, may be advantageously practised here; the stone furnished from Blackwell's Island being well adapted for the purpose, and is much harder and more durable than the stone used in the city of Boston for the same purpose, and can be furnished at reasonable prices, in any quantity required, by the labor of the convicts on the Island.

The proposition heretofore made, of substituting square or block pavement, instead of the pebble stones now in common use, is certainly deserving serious attention, and should be the subject of a fair and impartial experiment. Advertisements inviting proposals for such pavement, were issued during the last year, and sundry offers from different persons, were received; but at such excessively high prices, as prevented them from being acted on. The high rates demanded, probably arose from the want of the necessary experience, as to the quantity of labor requisite to prepare the stone for use, and a fear of loss on the part of the persons offering; as the project appears to be entirely new in this country.

The Street Commissioner, nevertheless, is of opinion, that it is extremely desirable, he might almost say, indispensably necessary, to take proper measures for ascertaining the actual cost of pavement of this description; for if any mode can be adopted, (without incurring too great cost,) by which the street pavements when laid, can be made firm and durable,

so as to obviate the necessity of continual repairs, a very great point will be gained. The stone on Blackwell's Island, of which it is well known the supply is inexhaustible, is also very suitable for the purpose of block paving, if properly quarried and hammer dressed; which can be performed by the convicts, and furnished here, it is believed, at very reasonable prices.

In any event, the Street Commissioner respectfully solicits the Common Council to permit these experiments to be tried, by taking up the present pavement on two blocks in Broadway, say from Murray street to Barclay street, and substituting instead thereof, on the one block, the broken MacAdamised stone; and on the other, the square block pavement: the materials in both cases, to be prepared and furnished from Blackwell's Island.

Intimately connected with this matter, is another consideration which, as far as the knowledge of the subscriber extends, has never been the subject of legal enactment in this city or in this country, although it has drawn the attention of the city government on a former occasion, yet without any definite action thereon—It is the width of the tire on the wheels of stages, carts, wagons, and carriages of every description, used in the city. The destructive effect on the pavements, occasioned by those ponderous stages which incessantly traverse Broadway, carrying twenty passengers and weighing several tons, is excessive; the wheels on which they run, not being sufficiently broad to cover the surface of the stones, run continually in the channels occasioned by the roundness of their surfaces, and thus by their weight and velocity, produce a violent side thrust, which displaces the pebble stones from their bed, and occasions breaks and ruptures in the pavement. Broad wheels, on the contrary, from the surface they cover, would act as rammers, and thereby consolidate the pavement, which the narrow wheel, carrying the same

weight, injures and destroys. The subject is copious, and susceptible of a great variety of illustration; but the subscriber forbears to trespass on the time of the Common Council, any further. He has believed it to be his duty to lay these matters before them, in order that such proceedings may be had thereon, as they shall deem expedient.

Respectfully submitted,

GEORGE B. SMITH.

Street Commissioner.

The Street Committee, to whom was referred the annexed communication of the Street Commissioner,

RESPECTFULLY REPORT,

That they have duly considered the same, and conceive it to be a subject of the greatest importance, in a city of such extensive commerce as New York, that some more efficient mode of paving should be adopted than the present.

There are many tributary causes which aid in producing the effect, but the want of a sufficient material, out of which to construct the pavement, is undoubtedly the great and increasing evil.

Should it be ascertained, that either of the plans suggested in the annexed communication, are effectual and satisfactory, we have an inexhaustible supply of the best granite at Blackwell's Island, and the labor of the prisoners cannot be employed to better advantage.

Although experiments may in many instances be deprecated as wasteful, yet if they can lead to the adoption of a substantial and permanent pavement, the money which they cost will be well applied.

With these views, your Committee submit the following:

Resolved, That the Commissioners of the Alms House and Penitentiary be, and they are hereby directed, to cause to be prepared, under the direction of the Street Commissioner, a sufficient quantity of stone blocks and broken stone, to enable him to have a space, not exceeding four hundred feet in length of each, laid in such part of Broadway south of Canal street, as he may consider best; and that he be authorised to cause the same to be laid.

Resolved, That so much of the Street Commissioner's communication, as relates to the regulation of the wheels of carriages, be referred to the Police Committee.

JAMES B. MURRAY,
CHARLES G. FERRIS.

The Street Committee, to whom was referred the accompanying communication from the Street Commissioner, with the Report of the Committee of the Board of Aldermen, on the subject of the importance of introducing some more efficient and durable mode of paving our leading streets,

REPORT,

That the subject is by no means new to them, two reports recommending the adoption of a similar plan of paving, having been made by them in this Board, and severally adopted.

They will not detain the Board by repeating all the reasons which on the occasions above adverted to, they offered for the consideration of members, but will merely point to the absolute necessity which is apparent to every one, of devising *some* means, by which the pavement of our thoroughfares (Broadway, the Bowery, &c.,) may be so constructed, as to meet the reasonable expectations of citizens, who, in paying for the paving, ought to be secured in the enjoyment of a good and substantial road, at least for a reasonable time. It is too obvious, that the present mode of paving is radically defective ; and if by a series of experiments, some plan may be found as a substitute for that, at this time in operation, the Committee think no time should be lost in making the attempt.

The Street Commissioner adverts to destruction to the pavement, caused by the heavy carriages, resting on wheels with narrow tires ; his ideas on this subject, are doubtless perfectly correct, and such carriages should be compelled to use wide tires on their wheels, which would have the effect of securing and rendering the pavement more firm. The width of the tire might be graduated by the size and weight of the carriage. This part of the subject has, however, in

the other Board, been referred to the Police Committee, which reference your Committee respond to.

They therefore, in conclusion, recommend the adoption of the Resolutions attached to the Report from the Board of Aldermen.

WM. W. HOLLY,
Chairman,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENT NO. LVII.

BOARD OF ASSISTANTS.

MARCH 11, 1833.

Report of the Police Committee on the petition of John S. Parks, to be appointed a weigher at Brooklyn. Adopted.

JOHN W. RICHARDSON, Clerk.

The Police Committee to whom was referred the petition of John S. Parks to be appointed Weigher and Measurer of Coal,

REPORT,

That the petitioner, Parks, is a resident of Brooklyn on Long Island, and therefore not subject to, or under any control of the Municipal authority or Regulations of our City Government.

Your Committee are of opinion, that the Corporation can-

not appoint a non-resident to any office, and particularly a man that has already received an appointment to office, (and practices under the same,) from the Legal Authorities of another county.

Your Committee consider this a subject involving questions of Law, have submitted the same to the Attorney of the Board for his legal opinion, which opinion is hereunto annexed, and will be considered as forming a part of their report, it is as follows :

OPINION OF COUNSEL.

The Police Committee have asked my opinion upon the propriety of granting the prayer of John S. Parks a resident of the town of Brooklyn, praying to be authorized to measure coal, &c. on board of vessels at Brooklyn.

The jurisdiction of the City of New York does not extend *on* to the land in Brooklyn. The measurers of the City of New York are *alone* entitled to measure all measurable articles, on board of any vessel lying at the wharves or piers at Brooklyn. The measurers of Brooklyn are *alone* entitled to measure when the article is *landed*.

I am inclined to the opinion, that the Corporation cannot appoint a non-resident to an office. It has been the uniform practice to consider an office vacant when the incumbent removes from the City. There would be an evident impropriety in commissioning a member who should be subject to the general ordinances, concerning measurers, but should at the same time reside beyond the jurisdiction of those ordinances.

DANIEL B. TALLMADGE,
Attorney to the Corporation.

The following resolution is offered for adoption :

Resolved, that the prayer of the petitioner be denied.

D. BANKS,
JAMES RIKER,
PETER S. TITUS.

DOCUMENT NO. LVIII.

BOARD OF ASSISTANTS.

MARCH 25, 1833.

Report of the Comptroller relative to the account of the Commissioners of the Sinking Fund.

JOHN W. RICHARDSON, Clerk.

The Comptroller would respectfully draw the attention of the Common Council to the account of "the Commissioners of the Sinking Fund, for the redemption of the New York City Stock," as a subject worthy of their especial notice, whether viewed present or prospectively.

The impracticability of complying with the intentions of the ordinance, and the large amount now, at the credit of the Commissioners, seems to render it expedient that some other mode of appropriation should be adopted, which shall not be inconsistent with the original purpose of the Common Council. The Comptroller, therefore, suggests for their consideration, the propriety and expediency of applying the

sum of *Three Hundred Thousand Dollars* of its present accumulations, to the payments of the Bond, of the Corporation, now held by the New York Bank for Savings.

The Comptroller is fully aware, that inasmuch as the ordinance specifically designates and appropriates the revenues of said account, he may at the first glance, be considered as treading upon forbidden ground; and perhaps, also, as not duly appreciating the delicate nature and value of the public faith; he trusts, however, that a brief review of the subject will be sufficient to satisfy every reasonable mind that the suggestion, under present circumstances, is consistent with the most perfect regard to the public pledge, and the entire and unquestionable security of the public creditors; and if carried into effect, will subserve the public interest.

The accumulations of said accounts have now reached the sum of three hundred and eleven thousand, one hundred and one dollars and forty-nine cents, and a rigid adherence to the letter of the ordinance, precludes any other investment of the funds than in the purchase of the New York City Stock, the Stock of the State of New York, or in the Stock of the United States.

Now, as to the first, the prospect is certainly very remote, if an opinion may be drawn from the fact, that since the 15th of July, 1831, there have been but three transfers of that stock, and they not by sale but for apportionment of estates. With regard to the second, the prices it has maintained have hitherto been considered too high to justify a purchase for permanent investment; and now, when it is contemplated so speedily to redeem the whole balance of the United States Stocks, the third provision of the ordinance seems to be entirely unavailable.

The question then very naturally arises, what shall be done with the accumulations of the Sinking Fund account? The answer of the Comptroller is to be found in his sugges-

tion at the commencement of this communication; and by it he supposes himself called upon to obviate the objection before referred to, and which he will now proceed to do.

Thus then, if the Comptroller rightly apprehends the nature of the public pledge, it will be preserved in its very essence, so long as ample provision is made and continued for the complete security of the holders of the New York City Stock; and that this is the case under the provisions of the present ordinance, he thinks can be made manifest.

Exclusive of sales of real estate, and the commutations for quit-rents, (which may be regarded as of like character,) and of interest on balances in the Treasury, and on the stock held by the Commissioners, the Sinking Fund receipts for five years, commencing with the year 1827, have averaged the sum of $56,650 49, as will appear by the tabular statement thereof, hereunto annexed.

Now suppose the whole amount of the present fund to have been absorbed, and the gatherings again to be commenced, and the following statement would present a brief, but safe view of the whole matter, viz:

Whole amount of stock of 1820, redeemable 1st August, 1850, - - - -	$200,000
Whole amount of stock of 1829, redeemable 1st January, 1850, - - - -	300,000
	500,000
Of the stock of 1820, the Commissioners now hold, or in other words have redeemed, by purchases, - - - - - -	81,500
Leaving an amount unredeemed, of -	418,500
And to meet this debt, there is already an annual revenue provided, as follows, viz:	
From the several sources named in the annexed list, the sum of - - - -	$56,650 49

To which add the interest on the stock now held by the Commissioners - - -	4,075
Making a total of - - - -	$60,725 49

Consequently, in less than seven years, the whole amount of the said debt can be redemed, provided the holders shall become disposed to part with it on reasonable terms; and therefore, the objection referred to, may be considered as completely obviated by the *facts* of the case.

It may however be objected, that the literal appropriation of the receipts having once been departed from, a precedent will be formed, which may be availed of on another occasion, and perhaps to the disadvantage of the public creditors; but inasmuch as the same motives would operate in both cases, it is presumed that the bare possibility could hardly form a bar to acting in the premises; for with the Corporation as with individuals, circumstances of peculiar and unforeseen difficulties, must be met by particular and efficient measures for relief or remedy; and the subject under consideration is believed to be precisely of that description, thus: The Common Council, for monies borrowed, issued a stock and for the satisfaction and safety of its holders, as well as for its gradual and eventual redemption, they set apart certain revenues, which in the progress of time have been found very far to exceed the necessities of the case, inasmuch as a judicious investment of the funds thereby accumulated, cannot be made within the limits prescribed by the ordinance, therefore the interest of the public would seem to call imperiously for suitable legislation in the premises; and that the objection last named might not become a cause of apprehension a provision could be made for the purchase of any real estate that may be wanted for public purposes, out of the surplus revenues so set apart,

to which it is believed no well grounded opposition could be made, because of the fact, that all such estate would itself be under the same pledge, and further, the above may not prove an inapt suggestion under another view of public affairs. The rapid increase of our population, and the direction it must necessarily continue to take, will doubtless require for the accommodation and convenience of that population, that the place for the transaction of the business of the city government, and holding the courts of law, should be transferred to a location considerably north of the one now occupied.

In preference to obtaining another location by payments directly from the Treasury, and out of the ordinary revenues, it might be accomplished by paying so much of the surplus revenues of the Sinking Fund as should not infringe upon the rights or safety of the holders of the City stock, and prove less burdensome to the community.

The reasons for selecting the bonds named, are briefly these :—They were originally intended to be temporary loans, and paid from the avails of taxes ; but it is well known that the taxes have not hitherto been augmented sufficiently to realize the original intention even in part ; and these bonds, from the force of circumstances, have become in effect, a part of the permanent debt, to be paid off in the way proposed, or by the great augmentation of the city taxes, which it is believed will be sufficiently burdensome without such addition.

All which is respectfully submitted by

T. J. WATERS, *Comptroller.*

New York, December 10, 1832.

	1827	1828	1829	1830	1831	
Hack Licenses,	$2,462	$1,750	$2,396	$1,725	$2,530	$10,863
Licenses to Pawnbrokers,	1,910	1,345	1,300	1,160	1,185	6,900
Market Fees,	16,760 83	17,933 03	19,006 63	19,345 18	17,797	90,842 71
Market Rents,	32,168 89	25,380 22	28,269 98	34,750 10	28,855 93	149,425 12
Street Vaults,	7,020 86	3,691 21	2,784 90	2,472 79	2,590 53	18,560 29
Water Lot Quit Rents,	1,281 32	1,280 19	1,521 64	1,322 50	1,255 66	6,661 31
	61,603 90	51,379 65	55,279 15	60,775 57	54,214 16	283,252 43
					Average,	$56,650 49

DOCUMENT NO. LIX.

BOARD OF ASSISTANTS.

MARCH 25, 1833.

Report of the Street Committee, on opening a part of Eighteenth Street. Adopted.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the petition of S. B. Ruggles, relative to opening Eighteenth street, from the Bloomingdale Road eastward to that part of the street ceded by P. G. Stuyvesant,

REPORT,

That objections have been advertised for, and none appearing, they offer the following resolution :

Resolved That Eighteenth street be opened from the Bloomingdale Road eastward to that part of the street heretofore ceded to the city by Mr. P. G. Stuyvesant, under the

direction of the Street Commissioner, and that the Counsel be directed to cause the necessary papers to be authenticated in the usual manner.

W. W. HOLLY,
FRANCIS FICKETT,
GEORGE SUTTON.

DOCUMENT NO. LX.

BOARD OF ASSISTANTS.

MARCH 25, 1833.

Report of Street Committee on petition to open Nineteenth street.

Adopted.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the petition of S. B. Ruggles, to open Nineteenth street,

REPORT,

That they have advertised for objections, and none appearing, they concur in the view of the petitioner, as to the propriety of the opening asked for. They therefore offer the following resolution:

Resolved, That Nineteenth street be opened from the Third Avenue to the Bloomingdale Road, under the direction of the Street Commissioner, and that the counsel be di-

rected to cause the necessary papers to be authenticated in the usual manner.

W. W. HOLLY,
FRANCIS FICKETT,
GEORGE SUTTON.

DOCUMENT NO. LXI.

BOARD OF ASSISTANTS.

APRIL 8, 1833.

Report of the Street Committee, on Mr. Bruen's Resolution. Adopted.

JOHN W. RICHARDSON, Clerk.

Resolved, That the Street Committee be directed to inquire into the expediency of connecting the easterly side of Washington Square with the westerly side of Union Square, by an avenue not less than seventy-five feet in width ; and that the same shall be designated by the name of JACKSON AVENUE, as a testimonial of the respect which the City of New York entertains for the *Statesman* and the Hero, who in his public career has been second alone to the illustrious individual from whom one of these public squares derives its name, and who has been the means of preserving that glorious Union of the States, which the name of the other was intended to commemorate.

G. W. BRUEN.

The Street Committee, to whom the annexed resolution was referred,

REPORT,

That Wooster street already connects Washington Square and Union Place, it having been extended during the last year, and in their opinion no other avenue is at present called for.

It would, in the opinion of the Committee, be but a poor compliment to the illustrious individual mentioned in the resolution, to give this small street a name which is already associated with all that is great and patriotic, and which will be handed down in the page of history, to posterity, without being identified with the streets of this city.

The Committee, therefore, commending the *spirit* of the resolution, yet dissent from the *letter*, and prefer waiting for another opportunity of showing their respect for him, whom the people delight to honor, more worthy of his merits and great name.

They therefore ask leave to be discharged from any further consideration of the resolution.

WILLIAM W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENT NO. LXII.

BOARD OF ASSISTANTS.

APRIL 8, 1833.

Report of the Finance Committee on the petition of James Flannagan, to have a suitable room fitted up for the Twelfth Ward Assistant Justices' Court. Adopted.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the petition of Justice Flannagan, to have a suitable room fitted up for the Twelfth Ward Assistant Justices' Court,

RESPECTFULLY REPORT,

That the petitioner is one of the Assistant Justices of the County, and is located for the Twelfth Ward. He represents that there is a suitable room in said Ward he can hire for the accommodation of his Court, and solicits of the Corporation that the same may be fitted up for the Court.

He also informs your Committee, that he does not ask the same as a right, but solicits the same as a favor, as the Court in the Twelfth Ward, has not been any expense to the public.

Your Committee find that these County Justices' Courts do not pay any fees into the Treasury, as the Ward Justices' Courts located in the City, and it is presumed they are intended to conform to established usages, as in other counties through the State, where the Justice finds all accommodation for said Courts, without any expense to the County. Consequently your Committee are fearful of establishing a precedent of this kind, as the expenditure, which may be little at first, will likely every year grow with the growth of the City; and are of the opinion that the following should be recommended respecting the same:

Resolved, That the Committee be discharged from any further consideration of the subject, and that the petitioner have liberty to withdraw said petition.

Respectfully submitted,

PETER S. TITUS,
JOHN I. LABAGH,
D. M'CARTHY,
Finance Committee.

DOCUMENT NO. LXIII.

BOARD OF ASSISTANTS.

APRIL 22, 1833.

Report of the Committee on Public Lands and Places, in relation to a petition of sundry persons concerning Union Place. Adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Public Lands and Places, on the petition of sundry persons, owners and lessees of property in the Twelfth Ward, praying the Common Council to take measures in relation to Union Place, which would have the effect of altering the original intention of laying it out, beg leave to

REPORT,

That the subject having been finally disposed of by the Supreme Court of the State, is not cognisable by any act of the Common Council, and therefore they offer for the consideration of the Board, the following resolution :

Resolved, That the Committee be discharged from the fur-
their consideration of this subject.

FRANCIS FICKETT,
D. BANKS,
THOMSON PRICE,
Committee on Lands and Places.

DOCUMENT NO. LXIV.

BOARD OF ASSISTANTS.

APRIL 22, 1833.

Report of the Street Committee on opening a Park in the Eleventh Ward. Adopted.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the memorial from P. G. Stuyvesant, on the subject of opening a square, &c.,

REPORT,

That they, in common with their fellow citizens, generally, are fully aware of the importance of public squares in large cities, and they are fully disposed also, to facilitate as far as a proper regard to the public will permit, every offer made on the part of landholders for that purpose.

The present application contains, in the opinion of the Committee, some objectionable clauses and conditions.

The proprietor offers "to cede the premises to the Corporation on the condition that they will forever keep the same as an ornamented Park, &c.,"—then follow other conditions, which your Committee disapprove of.

They however are persuaded that a satisfactory arrangement can be made with the memorialist, who, while he is generously giving a large piece of very valuable ground to the city, is only desirous to secure himself in the full enjoyment of the same as a public park.

They therefore recommend a reference of the subject to the Street Commissioner, and Counsel of the Board, with directions for them to report to the Common Council, and offer the following resolution:

Resolved, That the memorial of Peter G. Stuyvesant, Esq., be referred to the Street Commissioner, and the Counsel of the Board, who are instructed to confer with the memorialist on the subject of opening a Park in the Eleventh Ward, and to report their proceedings thereon to the Common Council —the memorialist agreeing to make the cession of the ground specified, to the Common Council, without conditions on his part, save only that it shall always be reserved for a public square or park.

W. W. HOLLY,
Chairman,
GEORGE SUTTON,
FRANCIS FICKETT,
Street Committee.

DOCUMENT NO. LXV.

BOARD OF ASSISTANTS.

APRIL 29, 1837.

OPINION

Of the Attorney and Counsel upon the right of the Corporation to fill up and improve their Water Lots.

JOHN W. RICHARDSON, Clerk.

The questions submitted by the Board of Aldermen, to the Attorney and Counsel are—First, Whether the Corporation, having never parted with their title, have a right to fill up what are usually called water lots, and appropriate the same to public purposes, against the remonstrance of the owners of the adjacent uplands? Second, If upon litigating the matter with an individual, it should be decided that the Corporation have not such right, yet acting in good faith, would they be entitled to the value of the improvements made, by such filling up of the lots?

By the original charter of the city "all the
Charter, p. 6. waste, vacant, unpatented and unappropriated lands, lying and being within the said city of New York, and on Manhattan's Island, aforesaid, *extending and reaching to the low water's mark*, in, by and through all parts of the city of New York, and Manhattan's Island, aforesaid," are granted to the Corporation.

By the subsequent charter, the grant be-
Charter, p 99. tween high and low water marks, around the island is confirmed; and there is a
p. 100. further grant to the Corporation as follows: "also, we do further, of our especial grace, certain knowledge, and mere motion, give, grant, ratify and confirm, unto the said Mayor, Aldermen and Commonalty, of the City of New York, and to their successors for ever, all that space of ground, and soil of Hudson's River, now lying and being under the water of the same river; to begin at a certain place near high water mark, at the south end of a piece of upland, which lies between the said river and a piece of meadow ground, or marsh, being the first piece of meadow ground, or marsh near Hudson's River, to the southward of Greenwich, and from whence the above named run of water, called Bestaver's Killitie, or Rivulet, runs into Hudson's River, south eighteen degrees, thirty minutes west, on a straight line, the distance being one hundred and twenty-five chains, from which line to run a perpendicular breadth of, *and to comprehend four hundred feet from low water mark*, into Hudson's River, the same containing eighty-two acres and one half acre, or thereabout. And also all that space of ground and soil of the East River, from the north side of Corlaer's Hook, to Whitehall, beginning at two large stones set on the south side of a small creek, in a marsh on the north side of Corlaer's Hook, from whence to the eastermost point of Corlaer's Hook, the distance on a straight line running south,

fifteen degrees, thirty minutes east, is forty chains, and two rods; from thence to Whitehall on a straight line running south, seventy eight degrees, thirty minutes west, the distance is one hundred and fifty-two chains; from which two lines to run a perpendicular breadth of, and to comprehend *four hundred feet from* low water mark, into the East River; the same containing one hundred and twenty-seven acres, or thereabouts; together with all and singular, the BENEFITS, *liberties, privileges, ways, water courses, easements,* wharves, keys, PROFITS, hereditaments, and appurtenances to the same or any part thereof belonging or appertaining, or to belong, or to appertain, or that can in anywise be had, made, used, or enjoyed thereon, or therewith used; with full power and authority, at any time or times hereafter, TO FILL, *make up, wharf and lay out,* all and every part thereof; and the same to build upon, and make use of, in such manner as they, the said Mayor, Aldermen, and Commonalty, and their successors shall think fit; and also, all our estate, right, title, interest, benefit, claim and demand whatsoever of, in or to the same, and the reversion or reversions, remainder and remainders, and the yearly and other rents, issues and profits thereof; *To have and to hold,* all and singular, the premises aforesaid, unto them the said Mayor, Aldermen, and Commonalty, and their successors, to their own proper use, and behoof for ever, and to no other use, intent, or purpose whatever."

Laws relative to the city, p. 16.

By an Act of the Legislature, passed April 3d, 1807, the Commissioners of the Land Office, were authorized and directed to issue letters patent, to the Mayor, Aldermen and Commonalty of the City of New York, and their *successors for ever for all the right and title* of the people of this State, to the lands covered with water, along the easterly shore of the Hudson River, contiguous to and adjoining the lands of the said Mayor, Aldermen and Commonalty, within the said City of New York, at and from low water mark, and

running *four hundred feet* into the said river from Bestaver's Killitie, to the distance of four miles, to the north, along the easterly shore of the Hudson's River; and also, all the land, covered with water, along the westerly shore of the East River, or sound, contiguous to, and adjoining the lands of the said Mayor Aldermen, and Commonalty, at and from low water mark, and extending *four hundred feet*, into the said river, or sound, from the north side of Corlaer's Hook, at the northerly boundary of the lands covered with water, whereof the said Mayor, Aldermen and Commonalty, are now seized, to the distance of two miles to the North, along the westerly shore of the said East River, or sound; *provided always*, that the proprietor, or proprietors of the lands adjacent, shall have the *pre-emptive right* in all grants made by the Corporation of the said city, of lands under water, granted to the said Corporation by this act.

Another act was passed in 1826, whereby the Commissioners of the Land Office, were directed to issue to the Corporation, other letters patent, for the residue of the lands, to the breadth of four hundred feet, north of the previous grant, and extending in each river north, to Harlaem River. Under these acts of the Legislature, letters patent have been issued to the Corporation.

p. 36, Laws relative to the City of New York.

The Corporation then, by the original charter, became seized of a belt of land around the island, between high and low water mark.

By the subsequent charter, the Corporation became seized of four hundred feet of land, under water, in the North and East Rivers, extending from Bestaver's Killitie, in the Hudson River, to a point at Corlaer's Hook, in the East River.

By the patents of this State, in 1807 and 1826, the Corporation became seized of four hundred feet of land, under

water, from Corlaer's Hook, in the East River, and from Bestaver's Killitie, in the Hudson River, and extending north to the Harlaem River. The grant of the latter parcels, which include the water lots in question, are subject to a pre-emptive right, in the proprietors of the adjacent uplands.

Subject, then, to this pre-emptive right, the Corporation can use and enjoy, the lands included in the patents, to the same extent that an individual could, unless the present act of 1813 imposes upon them some additional restraint, or takes from them, what in an individual would be deemed a perfect and indefeasible estate of inheritance.

p. 86, Laws relative to the City of New York.

It has been suggested, that section 220, and the four succeeding sections of the act, entitled "an Act to reduce several laws relating particularly to the City of New York, into one Act," contain such provisions, as prohibit the Corporation from appropriating water lots to their own use, notwithstanding the dissent of the owner of adjacent uplands.

Section 220 authorizes the Corporation to lay out streets, or wharves, of the width of seventy feet, *according to a plan agreed upon for that purpose*, and to lengthen and extend the streets or wharves, from time to time, as the city shall be further extended.

Section 121 provides, that the streets or wharves may be "made and completed, according *to the said plan*, at the expense of the proprietors of the land *adjoining* or *nearest* and *opposite* said streets, or wharves," and that the proprietor of such lots as may not be *adjoining* said streets or wharves, shall fill up "*the spaces lying between their lots and the street or wharves*, and shall, thereupon, become the owners of *such intermediate space* of ground in fee simple."

Section 122-3 provides that upon neglect of the said proprietors, the Corporation may fill up, and collect the expense

of the proprietor; and that such expense shall be a lien on the lot of such proprietor.

It is insisted, that by the lands "*adjoining, or nearest and opposite said streets and wharves,*" is meant the lots above high water mark, adjoining the water lots, and that by "*the space lying between their lots and the street, or wharves,*" is meant, the water lots of the Corporation: so that the law virtually provides, that when the *uplands*, or lots, above high water mark, *adjoin* the wharf, or street, to be made, the proprietor of such *adjoining* lot of upland, must fill up, and make the street or wharf, opposite to him; and when such lot does not *reach to and adjoin* the street, or wharf, but is divided therefrom by a water lot of the Corporation, such water lot is the "*space lying between their lots and the street,*" and is to be filled up by such proprietor; and by operation of law, the fee of such water lot, thereupon, becomes transferred from the Corporation, to such proprietor. The *lots* which are to bear the expense of making the streets, and the *space between the lots and wharves*, being thus defined:—It is further insisted, that in as much as the proprietors of lots *out of water* may be *compelled* by the Corporation to bear the expense of filling up water lots, when it may be *against* their interest; thereby enabling them to become the owners, in fee simple, of the water lots of the Corporation, or "*the space that may be between their lots*" and the street or wharf to be made.

This argument, drawn from the foregoing view of the Statute, is an argument to show, what the law ought to be, rather than what it is. It by no means follows, that a proprietor of a lot of land, as matter of *legal right*, can insist on filling up the street, and water lot of the Corporation, and thereby become the owner of such lot, because he may be *compelled* so to do, by the Corporation, when they elect to have the lot filled by an individual. But in my judgment, the before recited sections of the act, do not apply to, or embrace, any lots above high water mark.

If any argument in aid of the construction of a statute, can be drawn from the uniform usage and practice of those interested under it, it may be stated, that the Corporation have never attempted to compel the proprietor of an *upland lot*, to fill up any part of West or South streets, or *any intermediate space between such lot and the street.* With the exception of the case of Bergh, which I will notice hereafter, I am informed that no owner of a lot above high water mark, *and who was not at the same time owner of a water lot,* has ever claimed the right to fill up, and become the owner of the intermediate space between his lot and the wharf or street. Thus, the practice, since the act was first passed in 1798, has been adverse to the construction now contended for. But if we go back and trace this act to its origin, and ascertain the true state of things at the time it was passed, and the objects intended to be accomplished by its passage, we shall, I think, in the construction of it, be relieved from the necessity of claiming aid from the long usage and practice of the Corporation under it. The law was orignally passed in 1798, and then referred to a plan "*to be* agreed upon."

In 1801, the law was re-enacted, and in the language of what is now section 220, it referred to a plan "*agreed upon for that purpose,*" at that time, and did not reach any future, or more extended plan.

The law was again re-enacted in 1813. The plan mentioned in the Law of 1801 and 1813, has been altered and extended from time to time, by acts of the Legislature ; and the general provisions of the acts of 1801 and 1813 made to apply to the plans as altered and extended. (See Laws of N. Y., 1826, p. 44—145 ; 1828, p. 163 ; 1830, p. 8.)

I have found in the Street Commissioner's Office, the plan for South street, to which the act of 1801 referred. The plan of South street in the East River, as it was in 1801, when the statute was passed, and all other plans since

adopted for the boundary street in either river, are such, that in no single instance, does an upland lot, or lot above high water mark, reach or adjoin the boundary street, or wharf.

Hence that part of the statute, which speaks of lots *adjoining* the street, or wharf, means *water lots*, or it is senseless, since no other lots do adjoin the street or wharf.

It is perfectly manifest, from an inspection of the plan for South street, as it was in 1801, and the plan of 1804 for West street, in the Street Commissioner's Office, and from the several plans of South and West streets, as since altered, that most of West street, in the North River, and South street, in the East River, were laid out further than four hundred feet from low water mark. Hence most of those streets, are upon lands which were at the time the plans were adopted, the property of the State.

In the language of the statute, therefore, there were "*spaces lying and being between* the lots, and the said streets, and wharves." Such a law was necessary to authorize the Corporation to build a street or wharf into the river, beyond their four hundred feet grant. The law then authorised the street to be formed upon the lands of the state; and to provide the means of building the wharf, or street, in those cases where the water lots of the Corporation had been granted away, it was enacted that the owner thereof might be compelled to fill up the *street* and any *space*, between their lots and the street.

It is to be observed, that this act makes no provision for filling up any *lots*, that is provided for in another act. It only provides for filling the wharves or streets, and any *space*, there may be, between the wharf and a lot. This act makes no provision for those cases where the Corporation continue to own the water lots. It would be absurd to apply the present provisions to lots owned by the Corporation; such an application would *empower* the Corporation to *compel* themselves,

to fill up a street adjoining to, or opposite their own property. The act was passed to reach two class of cases only ; the one, where the street or wharf, was laid out *within*, or *contiguous* to, the four hundred feet grant to the Corporation; the other, where the street was laid out *beyond* the four hundred feet grant, and the water lot did not reach the street, but in the language of the act left a "space lying and being between the lots and streets, or wharves."

In the first case, the statute empowered the Corporation to compel the owner of the water lot, contiguous to the street, to fill up such street or wharf.

In the other, it empowered the Corporation to compel the owner of the water lot not contiguous, but opposite to the street, or wharf, to fill up the street ; and also, to fill the *space* between this lot and the street or wharf. This statute, therefore, has no reference to upland lots whatever.

In this view of the statute, I am further confirmed, by a report of a case in the Supreme Court, between the Corporation of New York and Scott. 1st Caine's R. 543. In that case, the history of the statute is given ; and the objects which the Corporation had, in procuring its passage, and the necessity of the law, is stated as follows :

"The lands which the Corporation of New York, under their Charter, hold on Manhattan Island, and within the city, extend to low water mark, and four hundred feet beyond that into the East River. The Corporation having granted away the whole of the lands to which they were entitled under their charter, applied in April, 1798, to the Legislature, for an act to authorize them to run *streets* and wharves, of seventy feet width, in front of the water lots already granted. This, by a law of that month and year, (re-enacted on the third of April, 1801,) the Legislature was pleased to grant. In pursuance of the authority conferred by this act, the Cor-

poration laid out a street called South street, in front of the lots they had granted, joining the East River."

The decision itself is not particularly pertinent, except that we gather from the statement of the case, the history and objects of this statute. It was, however, conceded in that case, that the Corporation were the absolute owners of the four hundred feet under water; and by the act, made trustees as to the residue of the land to be occupied in making the street.

In 1809 or '10, Christian Bergh was in possession of several water lots of the Corporation, on the East River, south of Corlear's Hook, having no grant from the Corporation. The Corporation brought an ejectment; the cause was tried at the Circuit, and afterwards a case made. The Counsel for Bergh insisted, that he, being the owner of the uplands, and having filled in the water lots and wharf, by the operation of the statute of 1807, aforesaid, became seized of the water lots. The Supreme Court, after argument, decided in favor of the Corporation. Bergh, afterwards filed his bill in Chancery, but before the cause was brought to a hearing, the parties settled, and Bergh took out his grants for the water lots, and paid all back rents, &c. The case in the Supreme Court was never reported. The decision of this cause must have been directly adverse to what is understood to be insisted on now.

But independent of any statute, it is further insisted, that the owner of an upland lot, which adjoins the water, has a common law right, to the enjoyment of that water, and that therefore, the Corporation cannot lawfully fill up their water lots, as that would deprive him of his common law right.

The answer to this proposition is, that the Corporation are the owners of the land between high and low water mark, and the owner, therefore, of a lot which reaches only to high water mark, has no common law right to the water, whatever, by reason of his contiguity.

This question is fully settled in the case of Lansing *vs.* Smith. 4 Wend. 9. The action was brought by the owner of one of the wharves in Albany, to recover damages caused by the erection of the pier, which forms the basin.

From the facts of the case, it appears that one Quackenboss, under whom the plaintiff claimed, was the owner of an upland lot, "*extending to the Hudson River.*" In 1804, the Commissioners of the Land Office granted to Quackenboss the water lot adjoining, upon which a wharf had been built.

The Chancellor says, "what then were the rights of the owner (Quackenboss,) of the land adjacent to this wharf, *before* the patent from the Commissioners of the Land Office, and what new rights did he acquire under that patent? Before the patent was granted, the bank of the Hudson, between high and low water mark, belonged to the people of this State, and he had no better right to the use of it *than any other person.*"

This case is a further authority to show, that the state may grant their lands under water, to be used by the grantee, absolutely, or under such restrictions as may be contained in such grant.

I am not aware that any claim is set up, under the *pre-emptive right*, secured by the aforesaid patents, to the owners of the adjacent uplands, other than the mere right to be preferred, as purchaser, when the Corporation are pleased to sell. This is, undoubtedly, the extent of ■ *pre-emptive right.*

From a full view of this matter, I have come to the conclusion that the original act of 1798, continued by several re-enactments to the present time, relates entirely to the manner in which the boundary streets of the city are to be made, and that its provisions are limited to this :—That if the water lots *reach* the street to be constructed, and are granted away by the Corporation, the proprietor thereof must make the

street opposite and *adjoining* his lot. If such lot does not *extend to the street*, then the proprietor must make the street, and in addition, fill up the *intermediate space;* and upon so doing, the fee of such intermediate space shall, by operation of the statute, pass to such proprietors.

That the last mentioned statute, does not, in any way, interfere with, or control, the absolute seizin and ownership of the Corporation, to their grant of four hundred feet under water; bnt that they hold their title thereto, subject to the single condition, that in grants of it by the Corporation, the owner of the adjoining upland has a pre-emptive right, as before defined.

That the Corporation can hold such water lots as long as they please; and while they hold them, may fill them up, and appropriate them to any purpose that an individual can, under the existing laws; and especially to any public purpose.

The other question submitted, I have not examined with that care that I should have done, could I have spared more time from my other official duties, and had I not the utmost confidence in the conclusions to which I have arrived in my examination of the first.

If, however, I am mistaken in my conclusions, and the owners of upland lots are entitled, as matter of legal right, to have a grant of the water lots from the Corporation, they must resort to Chancery to compel such grant. Then, the lots having been filled by the Corporation in good faith, and the filling of lots being absolutely necessary, to render them at all useful to any one, I think the Chancellor, in directing a grant to be made, would add that it should be upon payment of the value of the improvements caused by filling in the lots.

DANIEL B. TALLMADGE.

April 28, 1833.

I fully concur with Mr. Tallmadge in the foregoing opinion.

R. EMMET.

DOCUMENT NO. LXVI.

BOARD OF ASSISTANTS.

APRIL 29, 1833.

The following report of the Comptroller, with a List of the Persons holding Offices, whose salary comes out of the Public Treasury, was directed to be printed for the use of the members.

JOHN W. RICHARDSON, Clerk.

In compliance with a resolution of the Common Council, "That the Comptroller be directed to make a Report to the Common Council, of all persons holding offices, whose salary comes out of the Public Treasury, together with their names, the offices they fill, and the sum paid to each per annum, and the Ward in which they live," the annexed list is respectfully submitted by

T. J. WATERS,
Comptroller.

		Salary.	Residence.
Gideon Lee, Mayor,		$3,000	15th Ward.
Jacob Morton, Clerk of Board of Aldermen, and of Common Council,	$2,000		
Do. preparing minutes for publication,	150	2,150	1st "
John Ahern, Assistant Clerk, in Mayor's Office, and of Board of Aldermen,		1,000	14th "
Dow D. Williamson, Messenger Common Council,		700	6th "
Jacob Hays, as Sergeant-at-Arms, Board Aldermen,		250	5th "
Do. as High Constable,		500	5th "
John Sidell, First Marshal,		900	6th "
John W. Richardson, Clerk of Board of Assistants,	$1,000		
Do. preparing Minutes for publication,	150		
		1,150	9th "
George B. Butler, Assistant do.		200	10th "
David T. Valentine, Sergeant at Arms, do.		500	8th "
Do. as Marshal, attending Marine Court, 12s. per day, (except Sundays)		469 50	8th "
John Fleming, Treasurer,		500	1st "
Talman J. Waters, Comptroller,		2,500	5th "
William Thompson, Deputy Comptroller,		1,200	11th "
William S. Smith, Collector of City Revenue,		1,200	5th "
George B. Smith, Street Commissioner,		3,000	15th "
Edward Doughty, Assistant Street Commissioner,		2,000	10th "
Jacob Lozier, Clerk in Street Commissioner's Office,		750	7th "
Ditto,		500	
	Carried over,	$22,469 50	

	Salary.	Residence.
Amount brought over,	$22,469 50	
Lewis Jamison, Porter attending the Record Office, 8s. per day, (except Sundays,) . . .	313	15th Ward.
Samuel Fickett, Superintendent of Wharves, . . .	800	11th "
Abraham Leggett, Superintendent of Mud Machine, . . .	700	6th "
William Lawson, Street Inspector 1st Ward, $2 per day, . .	730	1st "
Daniel S. White, do. 2d Ward, $2 per day	730	2d "
John B. Ebbets, do. 3d do.	730	3d "
Nicholas B. Lyon, do. 4th do.	730	4th "
Isaac A. Isaacs, do. 5th do.	730	5th "
Daniel McGrath, do. 6th do.	730	6th "
Francis Gantz, do. 7th do.	730	7th "
Amos Gore, do. 8th do.	730	8th "
Henry Randel, do. 9th do.	730	9th "
John Stilwell, do. 10th do.	730	10th "
Abraham Hatfield, do. 11th do.	730	11th "
John G. Kip, do. 12th do.	730	12th "
Jonah Randel, do. 13th do.	730	13th "
Peter Field, do. 14th do.	730	14th "
Isaac C. Osborn, do. 15th do.	730	15th "
William Curr, Keeper of Battery, Park, &c. 12s. per day, . .	547 50	6th "
John I. Shoemaker, Assistant Keeper of Battery, 6s. per day, . .	273 75	1st "
James Healy, Assistant Keeper of Park, $1 per day, . .	365	6th "
Leonard D. House, Keeper of Washington Square, 12s. per day, .	547 50	9th "
Cornelius Myers, Keeper of Potter's Field, 18s. per day, . .	821 25	12th "
Carried over,	$37,387 50	

	Salary.	Residence.
Amount brought over,	$37,387 50	
Abraham D. Stephens, City Inspector,	1,000	8th Ward.
John Hillyer, Assistant City Inspector,	1,000	1st "
Obadiah Ayres, do. do. do. 18 s. per day, (except Sundays) .	704 25	7th "
John Coffin, do. do. 18s. per day, . . .	704 25	6th "
John M. Bloodgood, Superintendent of streets,. . . .	1,500	14th "
Gregory Snethen, Superintendent of Lamps, ...	750	4th "
Jacob P. Roome, Superintendent of Building, . . .	1,200	8th "
James Gulick, Chief Engineer, .	1,000	8th "
Thomas D. Howe, Commissioner of the Fire Department, . .	750	10th "
John Crosthwaite, Clerk to Commissioners of the Fire and Building Department, . . .	400	10th "
John Doe, Keeper of the Reservoir, 8s. per day, . . .	365	11th "
Abraham B, Martling, Keeper of the City Hall, . . .	400	6th "
George W. Skellorn, Deputy Keeper of the City Hall, . . .	1,000	6th "
John Astin, Assistant do. do. 10s. per day, . . .	456 25	5th "
David Higbie, do. do. do. 10s. per day, . . .	456 25	4th "
George Hinchman, Porter attending Mayor's Office, 8s. per day, (except Sundays,) . . .	313	15th "
Joseph Leonard, for furnishing lists of passengers, . . .	100	7th "
Carried over,	$49,286 50	

	Salary.	Residence.
Amount brought over,	$49,286 50	
Silvanus Miller, Public Administrator,	1,250	8th Ward.
David I. Burger, Regulator of Public Clocks, ...	200	6th "
Henry Storms, Inspector of Hackney Coaches, . . .	800	2d "
James Hopson, Special Justice, .	1,600	4th "
John W. Wyman, do. .	1,600	5th "
Oliver M. Lownds, do. .	1,600	7th "
John M. McDonald, do. .	1,600	3d "
Resolvert Stephens, Clerk of Police,	1,250	10th "
Elias Hicks, Assistant Clerk of Police,	1,250	9th "
Joshua L. Pell, Clerk of Upper Police,	1,250	15th "
Richard Riker, Recorder, . .	1,500	2d "
Ogden Hoffman, District Attorney, .	3,000	5th "
Richard Hatfield, Clerk of Oyer and Terminer and Sessions Courts, .	2,000	7th "
John P. Roome, Crier of Courts, .	300	9th "
Samuel Jones, Chief Justice Superior Court, ...	2,500	15th "
Josiah Ogden Hoffman, Associate Justice Superior Court, . . .	2,500	5th "
Thomas J. Oakley, do. do.	2,500	5th "
Isaac Asten, Sweeper of Fulton Market, $2 per day, . . .	730	
George Duryea, Deputy Clerk of do. .	500	2d. "
Leonard Baum, do. of Washington Market, 500, and sweeping, 469 50 .	969 50	3d "
James Gilbert, Deputy Clerk Clinton Market, $418, and sweeping, $300 .	718	8th "
Thomas Cooper, Deputy Clerk Centre Market, $418, and sweeping, $216 .	634	10th "
John Bremner, Deputy Clerk Catharine Market, $365, and sweeping, $365,	730	7th "
	$80,268 00	

	Salary.	Residence.
Amount brought over,	$80,268 00	
John Davenport, Deputy Clerk Greenwich & Jefferson Markets, $365, sweeping, 192,	557	9th Ward.
John Martine, Deputy Clerk Tompkins Market, $365, sweeping $60, . .	425	11th "
Matthew Vogal, Deputy Clerk Grand, Essex and Gouverneur Markets, $365, sweeping 330, ...	695	11th "
Jacob Manolt, Deputy Clerk Franklin Market, including sweeping, . .	365	
James Seaman, Deputy Clerk Manhattan Market, including sweeping, . .	365	13th "
Jameson Cox, Superintendent of the Alms House, Bridewell and Penitentiary, .	1,600	12th "
Edward M. Guion, Clerk of do. .	750	do.
John B. Stevenson, Physician and Surgeon to do.	1,500	do.
George B. Thorp, Keeper of City Prison,	1,000	do.
Gilbert F. Hays, do. do.	500	do.
S. H. Jacques, do. do.	500	do.
Shubal Swain, do. do.	500	7th "
James Van Tassel, do. do.	500	11th "
William Rockwell, Physician to do.	500	7th "
John O. Woodruff, Keeper of Penitentiary,	1,000	12th "
Jacob Hardenbrook, Deputy do.	500	12th "
Benjamin F. Ryer, do. do.	500	12th "

		Salary.	Residence.
Appointed by Commissioners of Alms House.	Josiah Mann, Agent of the Commissioners, . .	800	6th Ward
	William P. Elting, Clerk of do.	550	15th "
	William Schureman, Visitor of do. 18s. per day, . .	821 25	15th "
	Joshua D. Brown, Hearse Driver, 12s. per day, .	547 50	15th "
	Carried over,	$94,743 75	

Appointed by the Commissioners of the Alms House.

	Salary.	Residence.
Amount brought over,	$94,743 75	
Daniel Lyons, Driver of Bridewell stage, 12s. per day,	547 50	10th Ward
John A. Haring, Steward of Alms House, . .	500	12th "
Abraham Van Cleef, do. .	500	12th "
Lodowick Fick, do. .	500	12th "
Arnold Potter, do. .	500	12th "
Hannah Johnson, Matron of Alms House, . .	200	12th "
Catharine Morrell, Nurse of Lunatics, . . .	200	12th "
Henry Ryer, Foreman of Shoe Shop, . . .	550	12th "
James Parker, do. Carpenter's Shop, 14s. per day,	638 75	11th "
Charles Bannan, do. Blacksmith's Shop, 12s. per day,	547 50	13th "
John B. Stagg, James Rockwell, James G. Smith, Amaziah A. Young, Elias Dobb, Frederick Regier, Thomas Grover, Stephen Weeks, — Watchmen at the Bridewell at Bellevue, at seven shillings per night.	1,277 50	12th "
Abraham Parcells, Shoemaker and Keeper at Blackwell's Island, . . .	400	12th "
John B. Morrell, Carpenter and Keeper do.	400	do.
Job Vreeland, Mason and Keeper do.	400	do.
	400	do.
H. Brennard, Quarryman and Keeper do.	400	do.
Zachariah Burrell, Guard do.	300	do.
Robert Birmingham, do. do.	300	do.
Carried over,	$103,505 00	

		Salary.	Residence.
Appointed by Commissioners of Alms House.	Amount brought over,	$103,505 00	
	Conrad Shurogar, do. do.	300	12th Ward.
	Martin O'Kie, do. do.	300	do.
	Levi Donaldson, do. do.	300	do.
	Samuel F. Betts, Keeper do.	300	do.
	John Galliher, do. do.	300	do.
	Martin Rapelyea, do. do.	300	do.
	John A. Dooley, do. do.	300	do.
	Frederick Raymond, Coxswain, do.	120	do.
	William Whitley, Farmer at the Long Island Farms, $2 per day, . . .	730	Queen's Co.
	Jane Ley, Matron of the Long Island Nurseries, . .	150	do.
	Eber Wheaton, Assistant Justice 1st, 2d and 3d Ward Courts, .	1,600	11th Ward.
	Elisha Morrill, Assistant Justice, 4th and 6th, do. do. . .	1,600	6th "
	William W. Cowan, Assistant Justice 5th, 8th and 14th, do. do.	1,600	8th "
	Charles McEwen, Assistant Justice 7th, 10th, and 13th do. do.	1,600	7th "
	Anthony Woodward, Assistant Justice 9th and 11th do. do.	1,600	6th "
	Ambrose Kirtland, Clerk 1st, 2d and 3d do. do. . .	850	5th "
	Geo. Betts, Clerk 4th and 6th do. do.	850	6th "
	Peter See, do. 5th, 8th and 14th do.	850	8th "
	Jas. Lozier, do. 7th, 10th and 13th do.	850	10th "
	R. L. Jaques, do. 9th and 11th do.	850	8th "
	Daniel Fisher, Captain of 1st District Watch, } 15 s. per night each.	684 37	6th "
	John Stewart, do. 1st do. }		10th "
	Carried over,	$119,539 87	

		Salary,	Residence.
Amount Brought over,		$119,539 37	
Nathaniel L. Asten, do. 2d do.	do.	684 37	10th "
Ira Munson, do. 2d do.			10th "
—— Herring, do. 3d do.	do.	684 37	15th "
Cornelius Stagg, do. 3d do.			
James E. Hyde, Assistant Cap. of 1st District Watch,	12s. per		6th "
John Purse, Assist. Cap. do.	night	1,092	14th "
Nathaniel Boyles, do. do.	each		7th "
Peter Hull, do. do.			5th "
Joseph Archer, do. 2d do.	12s. per		9th "
Joseph Seaman, do. 2d do.	night	1,092	9th "
Joel Miller, do. 2d do.			9th "
John Lefferts, do. 2d do.	each.		9th "
Alexander May, do. 3d do.	12s. per		10th "
John Ottowell, do. 3d do.	night	1,092	10th "
Orlando Warren, do. 3d do.			10th "
Isaac Van Benschoten, 3d do.	each.		11th "
Cornelius Roosa, Assistant to Board of Health, ...		300	8th "
		$124,484 11	

DOCUMENT NO. LXVII.

BOARD OF ASSISTANTS.

MAY 6, 1833.

The following Report was received from the Superintendent of the Alms House, Bridewell and Penitentiary, and directed to be printed.

JOHN W. RICHARDSON, Clerk.

ANNUAL REPORT

Of the Superintendent of the Alms House, Bridewell and Penitentiary of the City of New York, showing the number of PAUPERS who have been admitted into the Alms House, from the first of May, 1832, (including those at the time in the House) to the first of May, 1833; and the number DISCHARGED and ELOPED from, and that DIED in the house during the same period; and likewise, the number of PAUPERS now in the house, designating their SEX and places of BIRTH; the number of PRISONERS and VAGRANTS in the

BRIDEWELL and PENITENTIARY; and the number of PATIENTS and MANIACS in the ALMS HOUSE HOSPITAL: with an account of DONATIONS distributed to OUT-DOOR POOR, by the Superintendent and Commissioners, during the time aforesaid.

PAUPERS in and ADMITTED into the ALMS HOUSE from the first of May, 1832, to the first of May, 1833, ...	5,409
PAUPERS DISCHARGED, 2,825—ELOPED, 215—DIED, 834. Total discharged, eloped and died, ...	3,874
Number (including hospital patients, maniacs, and children at nurse,) remaining May 1st, 1833, ...	1,535

NUMBER OF MEN, WOMEN, BOYS AND GIRLS.

MEN.	WOMEN.	BOYS.	GIRLS.	TOTAL.
456	504	374	201	1,535.

PLACES OF NATIVITY.

City of New York.	State of New York.	United States.	England.	Ireland.	Scotland.	Germany.	France.	Sweden.	West Indies.	Prussia.	Italy.	South America.	Africa.	Unknown.	Total.
684	78	132	117	389	35	36	17	6	7	2	2	2	2	26	1,535

Number of PRISONERS in Bridewell the first of May, 1833, Men 53, Women 15. Total,		68
Number of PRISONERS and VAGRANTS (including 33 Female State Convicts) in the Penitentiary, first of May, 1833, Men 269, Women 191. Total, ...		460
Number of patients in the Alms House Hospital, the first of May, 1833, Men 60, Women 58. Total, ...		118
Number of MANIACS in Alms House Hospital, the first of May, 1833, Men 54, Women 64. Total, ...		118
Cash distributed to OUT-DOOR POOR, during the last twelve months, . . .	$5,405	63
Wood laid in and distributed to same, 3,281 loads, including carting and piling, . .	8,628	06
Potatoes laid in and distributed to same, 4,180 loads, including carting and carrying in .	985	03
Turf laid in and distributed, 676 chaldrons, 26 bushels, and measuring, . . .	1,693	02
Total,	$16,711	74

Respectfully,

JAMESON COX,

Superintendent.

The Superintendent of the Alms House, &c., respectfully communicates to the Common Council, (in addition to his Annual Report,) that the following named articles have been manufactured by the Paupers for the Alms House and Penitentiary, during the past year, to wit, from May 1st, 1832, to May 1st, 1833.

FOR ALMS HOUSE.

Number of yards of woolen cloth manufactured the last year,	1,862
Number of yards of cotton and woolen cloth made the last year,	9,234
Number of yards of woolen warp in hand,	730
Number of pounds of stocking yarn made the last year,	1,015
Number of pairs of shoes made the last year,	2,725
Number of pairs of shoes repaired the last year,	1,337
Number of men's and boy's woolen suits made the last year,	496
Number of men's and boy's summer suits made the last year,	476
Number of men's and boy's shirts made the last year,	1,696
Number of women's and girl's full dresses made, (including short gowns, petticoats and chemise,)	1,286
Number of pairs of stockings knit during the last year,	1,050
Number of coffins made during the last year,	1,100
Number of barrels of soft soap made the last year,	1,500

FOR PENITENTIARY.

MADE AT THE ALMS HOUSE.

Number of yards of woolen cloth made for same, last year,	4,363
Number of woolen suits cut at Alms House, for same, last year,	430
Number of pairs of summer trowsers, lent at Alms House, for same, last year,	341

There have been raised on the land within the enclosure at Bellevue, 10,000 heads of cabbage, and other necessary vegetables for the consumption of the establishment, together with sufficient broom corn to make eight hundred brooms; and on the common lands belonging to the Corporation, between the Bloomingdale Road and the Third Avenue, sixty tons of hay, five thousand three hundred bushels of potatoes, one thousand bushels of turnips; and one hundred rods of stone wall have been built.

N. B. The Alms House, Hospital, Penitentiary at Bellevue and Blackwell's Island, Bridewell and Old Alms House, are supplied from the soft soap which is made by the Paupers solely at the Alms House.

There is a hired man to oversee the shoe shop, carpenters' shop, blacksmith shop and bake-house. There is an average of twelve barrels of flour made into bread by the Paupers daily, from which all the different establishments are supplied, as in the case of the soft soap. Likewise, all the repairs (are done by the Paupers) and blacksmith work.

Respectfully submitted,

JAMESON COX,

Superintendent.

May 1*st*, 1833.

DOCUMENT NO. LXVIII.

BOARD OF ASSISTANTS.

MAY 6, 1833.

Report of the Street Committee on widening Cliff street. Adopted.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the petition of sundry persons to widen Cliff street, between Beekman and Ferry streets, and also remonstrances from many owners of the property on the street, and from the Vestry and Wardens of St. George's Church, against the proposed alteration,

REPORT,

That they have personally examined the ground, and are of opinion that the prayer of the petitioners ought not to be granted, inasmuch as the expenses attending the measure would much exceed every possible benefit the property would derive therefrom.

It is not long since that section of the street underwent an improvement, by being widened in part, on the south-easterly side, making it of a nearly uniform width, and but little narrower than between Ferry and Frankfort streets. Many of the remonstrants contributed to the expense of that improvement, and are unwilling to be again assessed for another alteration, and one which they do not deem desirable.

The proposed widening would be a change in which would be involved a very trifling improvement, and at the same time an injury of great magnitude to the interests of the Church. The ground proposed to be taken from it being about 3-5ths of the whole of the new line, is partly occupied by a building in constant use by the congregation as a lecture room, for Sunday schools, and a daily infant school, all of which would be seriously inconvenienced and injured by even a temporary deprivation of their usual place of meeting. The residue of the ground contains a range of family vaults, in which have been deposited the remains of many of our respectable fellow-citizens, which would necessarily be removed and thrown open to the street, and your Committee hope the time has not yet arrived when the sanctuary of the grave shall be approached with unhallowed hands, and recklessly profaned. The strongest reasons and most unanswerable arguments would alone justify so rude an outrage on the feeling of the age—on the sympathies of our nature.

The petition bears the signatures of five persons, while the remonstrance is signed by twenty-one, who own on Cliff street 1,073 feet front, in addition to which St. George's Church owns 161 feet, making an aggregate in apposition of 1,234 feet.

The Committee, in taking the case in all its bearings, recommend, that no order be taken on the subject as regards altering the present lines of the street, and offer the following resolution :

Resolved, That the Committee be discharged from the subject of widening Cliff street, and that the petitioners have leave to withdraw their petition.

WM. W. HOLLY,
GEORGE SUTTON.

APPENDIX.

DOCUMENT A.

BOARD OF ASSISTANTS.

MAY 21, 1832.

Report of the Finance Committee on the Remonstrance of John T. Irving and H. Andrews. Adopted.

BENJAMIN CRANE, Clerk.

The Finance Committee, to whom the Remonstrance of John T. Irving and H. Andrews, against leasing lot corner of Wall and Nassau streets, was referred,

RESPECTFULLY REPORT,

That they have examined the facts as so fully set forth in the annexed report of the Joint Finance Committees of both Boards, in conjunction with the Law Committee of the Board of Aldermen,—That your Committee approve of said resolu-

tion as passed by the Board of Aldermen, and recommend this Board to agree to the same.

PETER S. TITUS,
JOHN I. LABAGH,
D. McCARTHY,
Finance Committee.

The Finance Committees of both Boards, in conjunction with the Law Committee, to whom was referred the remonstrance of John T. Irving and H. Andrews, Executors, against leasing thel ot of ground corner of Wall and Nassau streets,

RESPECTFULLY REPORT,

That they have examined with great care and deliberation the title of the Corporation to the property in question, and made themselves acquainted with the circumstances under which the lot was enclosed. The Committee have given the Remonstrants a personal hearing, but nothing has been added by them, having any important bearing in the case, to their written memorial. The Committee would recommend the reading of this memorial with a view to the more perfect understanding of the subject, and they ask the attention of the Board to the following history of this land which has so long been a subject of embarassment to the Corporation, drawn up by the Deputy Street Commissioner; the investigations having been made by their direction and the evidence in support thereof, being collected, and now deposited in the Street Commissioner's Office.

1. In a grant of land made by Thomas Dongan, the British Governor of the then province of New York, a part of this

ground is laid out and described in the grant as being dedicated and reserved for a public street. This grant is dated May 25, 1689, and recorded in the Register's Office, Lib. 31, page 25 of Conveyances.

2. In the year 1695 the building of the former City Hall, in Wall street, was commenced by the Common Council of that day, and a part of the ground in question, was then open and used as a street, being immediately adjacent to and forming the northwesterly boundary line of the then City Hall.

3. In the year 1718, the heirs and devisees of the original grantees from Governor Dongan proceed to make partition of the lands granted, and cause a map thereof to be made. On this map is represented a ground plan of the then City Hall, and the land in question is also shown on the map as a street called *Kip street*, and the lot now owned by the *Estate of Thomas and William Benton*, is thereupon delineated as a corner lot.

A certified copy of this map, dated 3d January, 1718, and taken from the map attached to the partition deed, is in the Street Commissioner's Office.

4. In the year 1773, on the 30th of November, the Common Council purchase from the Trustees of the Dutch Church, a piece of ground on Kip now Nassau street, commencing 49 feet from Wall street, and running along Nassau street, 50 feet to the house and lot then of John Wiley, now *John T. Irving*. Consideration money £126 10 1. This deed recognises the ground previously spoken of as a public street and bounds upon it as such, and the Corporation, by this conveyance, expressly purchase this land for the purpose of adding to the street, and covenant that it shall forever be used as such and shall never be built upon or fenced in. This deed is recorded in the Comptroller's Office, in city grants, Book D, page 438.

(Of this last mentioned piece of land, a part is enclosed

by the Corporation, and the residue has been taken possession of and enclosed with an iron railing by the Presbyterian Church.)

5. No alteration in this state of things is discovered, and all the land, as well that originally laid out as the piece purchased by the Corporation, continues to be used uninterruptedly for the purpose of a highway until the year 1813 or 1814, and this fact is fully evinced from the circumstance that the stoops or entrances to the houses, now owned by the Estate of T. and W. Benton and John T. Irving, were in that part of the street which is now enclosed; but after the present City Hall was finished and the old one was about to be taken down, it appears (from the best information which can be obtained) that the ground was fenced in by the persons employed in taking down the old building, as a place of deposit for such articles of copper, lead, iron, &c. which it was expedient to preserve, and to prevent their being pilfered. It does not appear that the Common Council passed any order directing this enclosure to be made, but that it was the act of the overseer who had charge of taking down the old City Hall.

(The ground has remained enclosed from that time to the present day.)

6. The City Hall being removed, it was determined to widen Nassau street, from Cedar street to Wall street, and application was accordingly made by the Common Council to the Supreme Court, for that purpose. The commissioners being appointed, proceeded to the execution of their trust; and made report to the Supreme Court of their doings on the 4th of October, 1813, which report was confirmed, and the street consequently widened. In that report the Corporation are awarded the sum of *Eleven Thousand Dollars*, for their loss and damage by reason of surrendering so much of their land as was necessary to widen Nassau street. This sum was raised by assessment upon the adjacent property,

and paid to the Corporation. The original report of the Commissioners, and the maps made for their use are on file in the Street Commissioner's Office.

(It is here proper to remark, that a portion of the land for which the Corporation received the damage of $11,000, viz: 4 feet 6 inches front on Wall street, and running to a point up Nassau street, is included in that part now enclosed by the fence.)

7. During the pendency of the last above recited proceedings, the Common Council caused the residue of the land owned by them, on the corner of Wall and Nassau streets, and on the southerly side of Nassau street to be surveyed, into four lots, by Wm. Bridges, then City Surveyor, and a map thereof made, which map was exhibited at the Tontine Coffee House, and the lots sold thereby. On this map Nassau street is laid down as being at its junction with Wall street 62 feet wide, extending from the corner of the lot, at present the Custom House, to the corner of the house and lot now owned by the estate of T. & W. Benton, and also showing the lot of John T. Irving, as having a front down Nassau street towards Wall street.

This map is dated 1813, and the original is on file in the Street Commissioner's Office.

8. Notwithstanding no direct act of the Common Council can be found in regard to the enclosure, on taking possession of this property, yet the Commissioners appear to have viewed it as belonging to them, for in the assessment abovementioned, they describe it as an unenclosed piece of ground on the corner of Wall street; and assess against the Corporation of New York, the sum of $967 50, for benefit this ground receives. This assessment was paid by the Corporation, as appears by the books in the Street Commissioner's Office. And so in every case in which assessments were levied upon the property in that section of the city, it is charged against the Corporation, and they have always paid the assessments.

9. The land remained enclosed from 1814 until 1819, without being applied to any beneficial purpose; but in May, 1819, it was rented to Mess'rs Blackwell and MacFarlane, at the annual rent of $100; subject, however, to giving up possession at a moment's warning, if the Corporation should so require.

10. An account has been made showing the various amounts paid by the Common Council for various assessments, and a computation of interest on the same, and also an account of the amounts received by way of rents and interest thereon, up to the first of May, 1831; from which it appears there has been paid on this land for assessments at various times from 1813, to first of May, 1831, ... $1,145 08

For interest on the above assessments, from the days of confirmation respectively, . 1,183 14

Making, $2,328 22

And there has been received for rent from 1st of May, 1819, to 1st of May, 1831, 12 years, $1,200 00

For interest on the above from meantime, say 15th of May, 1825, . . . 523 25

$1,723 25

Leaving the ground debtor on the 1st of May, 1831, ... 604 97

Making, $2,328 22

The particulars of this account are in the Street Commissioner's Office.

The conclusion to which the Committee have come, is, that it is expedient and proper for the Corporation to surrender this property to the public as part of the street, so soon as they shall be reimbursed from the balance of assessment

paid by them according to the above account; and that if the Remonstrants shall elect to pay said balance to the Comptroller immediately, the resolution to lease the lot be rescinded, and the necessary measures adopted to regulate and repave that part of the street. The Committee accordingly recommend that the Comptroller be instructed to make this proposition to the Remonstrants.

H. VAN WAGENEN,
ANTHONY LAMB,
H. MEIGS,
PETER SHARPE,
E. BARNES,
M. M. QUACKENBOS.

DOCUMENT B.

BOARD OF ASSISTANTS.

JUNE 4, 1832.

Street Commissioner's Report relative to Fulton street Ferry at Brooklyn. Referred to Ferry Committee.

BENJAMIN CRANE, Clerk.

The Street Commissioner begs leave to lay before the Common Council the present situation of the ground at Fulton street Ferry, in Brooklyn, where it is proposed to build a Bulkhead.

The Common Council passed a resolution, which was approved by the Mayor, January 26th, 1832, appropriating Six Hundred Dollars to build a Bulkhead at Brooklyn, as per plan, and the Street Commissioner advertised as usual for proposals for this work.

The proposals received were as follows:

John Anderson, ...	$700 00
William Hockman, . . . , .	787 50

These were all which the Street Commissioner received for building with regular block work.

Afterwards John Anderson proposed to build the work with piles, well driven, according to a specification left by him, and which the Street Commissioner believes would have been perfectly safe, and adapted to that place ; and the price he asked was Four Hundred and fifty Dollars, and the Street Commissioner would have made a contract with him for this work if he had considered himself authorized so to do ; but on inquiry he finds that unfortunately for Mr. Anderson, it is considered by those who know him well, that his ability for means to perform the work are doubtful.

The Street Commissioner has had a conversation with Levi B. Griffin, and obtained from him a verbal offer for Seven Hundred and twelve Dollars, fifty cents, to build with block work a bulkhead.

In the mean time the Street Commissioner is sorry to inform the Common Council, that hundreds of loads of earth have been deposited in the place where the bulkhead was proposed to be built, and this earth is now washing away by the current, and passing through a small bridge in the ferry pier, and depositing in the slip where the ferry boat lands, and has done and will continue to do very serious injury to the ferry.

The Street Commissioner begs leave to say, that, in his opinion, this case requires immediate attention to the preservation of the property of the Corporation at Brooklyn.

In the opinion of the Street Commissioner a bulkhead of piles, well secured, may be made cheaper than block or crib work ; and it may be a question of some importance, whether the sluice way in the present pier must not of necessity in the present situation of this earth, be filled up ; and if so, what is to be the effect on the present ferry slip ?

The Street Commissioner presents the following resolution :

Resolved, That the Joint Committee on Ferries be authorised to advise and direct the Street Commissioner as to the plan of securing the property of the Corporation of the City, at Brooklyn, from further injury, and that such sum as the said Committee shall advise be and hereby is appropriated for this special object, to be expended by the Street Commissioner.

Respectfully submitted,

BENJAMIN WRIGHT,

Street Commissioner.

DOCUMENT C.

BOARD OF ASSISTANTS.

MARCH 4, 1832.

Report of the Street Committee on extension of Third street. Adopted.

BENJAMIN CRANE, Clerk.

The Committee on Streets, to whom was referred the resolution for the extension of Third street,

REPORT,

That after a careful examination of the subject they are satisfied of the propriety of the measure. Owners of lots in the vicinity are suffering loss by every rain, to a considerable extent, in consequence of the wash of their earth into the sunken lots.

The Committee are assured that the major part of the owners are willing and anxious to have this street finished. They therefore offer the following resolution:

Resolved, That Third street be filled and regulated, from its present termination between Lewis and Goerck streets, to a point 37 feet east of Mangin street, and that the holders of the water grants be required to comply with the conditions of their grants, respectively, to that effect, under the direction of the Street Commissioner.

W. W. HOLLY,
FRANCIS FICKETT,
GEORGE SUTTON,
Street Committee.

DOCUMENT D.

BOARD OF ASSISTANTS.

JUNE 18, 1833.

Report of the Street Committee on the petition for paving Front street. Adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Street Committee, to whom the petition and report on the subject of regulating and paving Front street, from Montgomery street to Corlear's street, were referred,

REPORT,

That the Committee of the Board of Aldermen, in consequence of the building of a bulkhead at Gouverneur's Slip, &c., thought it inexpedient to grant the prayer of the petitioners' in its whole length. The bulkhead has now been completed some time, and no objection on that score can arise. A part of Front street, in the vicinity of Corlaer's

street, has not yet been reclaimed from the river, and your Committee think, in concurrence with the Board of Aldermen, that it is not advisable at this time to pave that part.

The Committee offer the following resolution;

Resolved, That Front street be regulated and paved from Montgomery street to Walnut street.

WM. W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT,
Street Committee.

DOCUMENT E.

BOARD OF ASSISTANTS.

APRIL 29, 1833.

Report of the Finance Committee on the petition of the Keeper of Potter's Field, for payment for burying Dogs. Adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Finance Committee, to whom was referred the petition of Cornelius Myers, praying compensation to be allowed him for burying dogs,

RESPECTFULLY REPORT,

That this subject has had the consideration of the old Finance Committee, and the papers came into the possession of your Committee, as unfinished business left over by the old Board. There has been some delay for the purpose of getting information which was truly necessary.

In the first place, your Committee inquired for the Law or

Ordinance under which Mr. Myers officiates as Keeper of Potter's Field.

In said inquiry your Committee has not been able to find any, and the information is, he is employed by the day, and has a house to live in there while performing the duty of Keeper of said place, and the whole business is left with him, to judge of the depth of depositing and covering up of all the corpses or bodies sent out to him to bury in said place; which duty, your Committee are of opinion, should not be left to any person. There should be an oversight by a Committee, to inspect several times through the year. This is rather a digression from the report, but the Committee think they are justifiable in stating the loose manner in which this department is conducted.

The Dog Law was next looked into, respecting the amount to be paid for each dog killed, drowned or buried.

Your Committee believe, that frequently the same carcass was presented to your officer for pay by different persons, that deposition after deposition was taken by Mr. Bleecker, the Comptroller, and to prevent further imposition he caused them all to be deposited in the Corporation Yard, after which it became necessary to remove them some where else, upon which he sends a note as follows, viz:

"Mr. Myers is requested to have a place prepared to put the carcasses of the dogs under ground when sent out by Mr. Watson, Register of Dogs.

"June 27, 1831.

"G. N. BLEECKER, *Comptroller.*"

From this note Mr. Myers petitions the Common Council to pay him $243 04, for performing said duty, which, in the opinion of your Committee, is a very great charge, and they have come to these conclusions from the following facts, viz:

The note is dated June 27, 1831, when he was requested to do the duty, and ended on the 1st of November, 1831, giving him the first day, according as he alleges, and the day it ended, only 127 days; then taking out the 18 Sundays in said time leaves only 109 working days. In this time there was 154 loads of dogs sent up to him to bury, which is perhaps about the number he alleges in said petition.

Your Committee then divided the number of loads by the number of days in said time, which is nearly 1½ loads per day; and testing the thing further, they divided the number of working days as above, with the number of dogs, Mr. Myers alleges he buried in the same time, and they make it hardly 28 dogs per day, which your Committee think is very little work for a man to perform in a half day.

From these facts as set forth, your Committee are willing to recommend that he be paid seventy-five cents for each day for the 109 days performing said business, and they recommend the following resolution, and hope the Board will agree to the same.

Resolved, That the Comptroller draw his Warrant on the Treasurer for Eighty-one Dollars, seventy-five cents, in favor of Cornelius Myers, which shall be in full for services and disbursements for burying dogs for the Corporation of the City of New York, from the 27th of June to the 1st of November, inclusive, last.

Respectfully submitted,

PETER S. TITUS,
D. McCARTHY,
JOHN I. LABAGH.

DOCUMENT F.

BOARD OF ASSISTANTS.

JUNE 25, 1832.

Report of the Street Committee on paving Eighteenth street. Adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Streets, to whom the petition to pave Eighteenth street was referred,

REPORT,

That they have examined the situation of said street, and find that it is very important to the convenience of the neighborhood that the paving asked for should be done before the approaching winter. The street from the Seventh to the Tenth Avenues, is principally filled on either side with respectable houses, and from its vicinity to several manufactories which are in the daily practice of letting off large quantities of water,

the paving has become more necessary, as the water instead of passing off to the river is allowed to spread itself over the street, thereby forming ponds, which being frequented by that portion of the body politic, whose peculiar privilege it is to enjoy unmolested their own ideas of luxury, and being acted upon by a summer sun, are very offensive to the olfactory organs of residents.

The Committee offer the following resolution:

Resolved, That Eighteenth street be regulated and paved from the Seventh to the Tenth Avenue, and that the Street Commissioner be directed to have the work done forthwith.

All which is respectfully submitted.

W. W. HOLLY,
FRANCIS FICKETT,
GEORGE SUTTON,
Street Committee.

DOCUMENT G.

BOARD OF ASSISTANTS.

JUNE 25, 1832.

Report of the Street Committee on paving side walks in Hammersley street. Adopted.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Streets, to whom was referred the petition of J. Vernooy and others, to [have the sidewalks of Hammersley street, between Houstoun and Varick streets, paved,

REPORT,

That on an examination of the street the propriety of having the work done was manifest. The street is one of highly respectable character, and the residents are put to much inconvenience in rainy weather, and in winter, in consequence of the want of dry pavements.

The following resolution is offered :

Resolved, That the side walks in Hammersley street, from the foot of Houstoun street to Varick street, be laid under the direction of the Street Commissioner.

WILLIAM W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT,
Street Committee.

DOCUMENT H.

BOARD OF ASSISTANTS.

SEPTEMBER, 24, 1832.

Report of the Committee on Laws, &c. relative to Fitzroy Road, and the Report of the Committee on Roads and Canals, of the former Board, together with the remonstrance of John L. Norton, Esq. Report and Resolution adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, &c. to whom was referred the annexed Report of the Committee on Roads and Canals, on the subject of closing a part of Fitz Roy Road, also the Remonstrance of John L. Norton, against closing the said Road,

RESPECTFULLY REPORT,

That after examining the said Report and Remonstrance, they find two questions only which in their opinion, it is important for the Common Council to consider.

First—Whether Fitzroy Road is such a road as is contemplated by the act "authorizing the Mayor, Aldermen and Commonalty of the City of New York to close streets and Roads."

Second—Whether it is expedient for public convenience to close those parts of the said road, which are proposed to be closed by the annexed resolution?

In respect to the first question—the Committee have no doubt that Fitzroy Road is a public road within the purview of the said act. The public have used it for thirty or forty years, and a part of it has already been closed according to the provisions of the said act. The very object of the act was, in the opinion of the Committee, to give power to the Corporation to order such roads to be shut up when the opening of the streets and avenues should render them no longer necessary or useful for public convenience.

As to the second question—the Committee do not hesitate to coincide with the Report referred to them, in the opinion that it was advisable to close those parts of the said road. The Eighth Avenue is now opened and in good condition, and the Committee can conceive of no useful purpose to which the old Fitzroy Road can now be applied.

The Committee would observe, that the remonstrance of Mr. Norton urges as an objection to this measure, that the fee of the road does not belong to the Corporation, but is vested in him. In answer to this objection, it is sufficient to say, that the act of the Legislature does not confine the power of closing roads to such as are owned by the public. It makes provision for paying to all parties interested such damages as they may sustain. Whatever right, therefore Mr. Norton may have, can be duly considered and provided for by the report of the Commissioners who may be appointed.

As to the mode of disposing of the land composing the old road when closed, the Committee deem it premature to adopt

any plan in that respect. The propriety of closing the road cannot depend in any respect upon the disposition hereafter to be made of the lands by the Corporation, and the Committee would recommend that no order be now taken upon that branch of the subject, but that the following resolution be passed:

Resolved, That Fitzroy Road be closed, from Twenty-third to Thirtieth street, and from Thirty-first to Forty-second street, and that the Counsel take the necessary measures for that purpose.

CHARLES G. FERRIS,
D. BANKS,
GEORGE W. BRUEN.

Resolved, That Fitzroy Road be closed, from Twenty-third to Thirtieth street, and from Thirty-first to Forty-second street, and that the same be offered to the owners of the adjacent property, at a price to be ascertained and fixed by the Street Commissioner, and in default of such owner or owners accepting the offer thus to be made, that the Comptroller advertise the same to be sold at public auction.

JAMES B. MURRAY.

The Committee on Roads and Canals, to whom the above resolution was referred, have had the same under consideration, and after duly considering the best mode of disposing of lands vested in the Corporation, by the closing of roads, have come to the conclusion, thut the most equitable manner of disposing of such lands, is by *auction*.

Your Committee agree with the minority of the Finance Committee of the Board of Aldermen, as set forth in Document No. 13, on the 17th January last, and would recommend the disposal of the land belonging to the Corporation, after the closing of Fitzroy Road, from Twenty-third to Thirtieth street, and from Thirty-first to Forty-second street, in a similar manner to that recommended by the Finance Committee of the Board of Aldermen, in Document No. 25, on the 5th of March last, for disposing of the gores of land on Warren, Fitzroy and Southhampton Roads.

Your Committee beg leave to offer the following resolution:

Resolved, That Fitzroy Road be closed, from Twenty-third to Thirtieth street, and from Thirty-first to Forty-second street, and that the same be disposed of, in convenient lots, by auction, under the direction of the Comptroller, and Street Commissioner, as soon as practicable.

N. I. BOYD,
H. P. ROBERTSON,
W. W. HOLLY.

STATEMENT

Of John L. Norton, in relation to his title to the Fitzroy Road.

The Fitzroy Road passes through a part of the estate known as the Hermitage, which said estate was conveyed by the Executors of Joseph Murray to John Leake, by deed, bearing date the 10th day of November, 1757, now in the possession of John L. Norton. And which same estate was

devised by will by the said John Leake to the said John L. Norton.

That part of the said road which is comprised within the bounds of the said Hermitage, was originally a private road for the owners of the said estate, and gates were put up on different parts of it. It never was laid out as a public road, although it may have been used as such.

In 1825 John L. Norton sold various parts of the Hermitage, and in many instances sold lots crossing the said road, and embracing different parts of it, and about the same time closed the said Fitzroy Road. He also at the same time improved the streets and avenues running through the said estate, comprising about twenty acres of land, and conveyed them to the Corporation, for which he received no consideration. He did not ask for a re-conveyance of the Fitzroy Road, because he did not consider that the Corporation had any right to convey it, and he deemed the said road as already his property, and he has already closed it.

The said road therefore never having been conveyed to the Corporation, never having been claimed by them, and having been originally intended as a private road for the use of the proprietors of the Hermitage estate, it is presumed the Corporation will not now exercise ownership over it, or convey it to any person or persons to the manifest injury and oppression of the proprietors of the said Hermitage.

JOHN L. NORTON.

New York, April 30, 1832.

DOCUMENT I.

BOARD OF ASSISTANTS.

OCTOBER 29, 1832.

Three several Reports of the Committee on Public Offices and Repairs, on Miln Parker's claim for damages by blowing rocks at Yorkville.

JOHN W. RICHARDSON, Clerk.

The Committee on Public Officers and Repairs, to whom had been referred the following resolution—

"*Resolved*, That it be referred to the Committee on Public Offices and Repairs, with power, to agree with the owners of buildings which have been injured by the blasting of rocks on the Third Avenue, for compensation for the same,"

(Adopted by the Board of Aldermen, August 6, 1832,
" " " " " Assistants, " 13, 1832,
Approved by the Mayor, " 15, 1832,)

RESPECTFULLY REPORT,

That after this resolution was referred to them they proceeded

to investigate, and found that the better way would be to settle it by arbitration, which was agreed to on the part of some of the persons claiming to be damaged.

Your Committee thereupon appointed James N. Wells, and they appointed Asher Riley, which two appointed George Smith as the third person, to settle the matters embraced in the resolution. The appraisers have made the award, which your Committee recommend to be read, and the documents to that annexed.

And your Committee do recommend the adoption of the following resolutions :

Resolved, That the sum of Six Hundred and fifty Dollars be paid to Miln Parker for damage done his buildings, and the further sum of Three Hundred and ninety-one Dollars, fifty cents, for damage done his carriages, &c., by blasting rocks on the Third Avenue.

Resolved, That the sum of Three Hundred Dollars be paid Joseph Tucker for damage done his dwelling-house, and out houses, in blasting rocks on the Third Avenue.

Resolved, That Sixty Dollars be paid to the arbitrators in the above matter, for their services.

All which is respectfully submitted.

THOMSON PRICE,
GEORGE SUTTON,
JOHN I. LABAGH.

The Committee on Public Offices and Repairs, to whom was referred back their former Report, state that what they then reported, they still adhere to. That they have examined the further claims which were presented, and recommend the adoption of the following resolution :

Resolved, That One Hundred and forty Dollars be allowed to Miln Parker for removal of shop, fixtures, forges, &c., in consequence of blasting rocks at Yorkville.

Resolved, That John G. Kipp and Oliver D. Lattimer have leave to withdraw their petition for damages done them by blasting rocks on the Third Avenue at Yorkville.

THOMSON PRICE,
GEORGE SUTTON,
JOHN I. LABAGH.

The Committee on Public Offices and Repairs, to whom was referred the application of Miln Parker, for damages sustained by him in the blasting of rocks at Yorkville,

REPORT,

That the Committee considered it the best method to appoint arbitrators, who would have no partialities, being chosen by each party, and who would examine critically into the circumstances of said damage. That your Committee chose James N. Wells, and Mr. Parker selected Asher Riley, which two chose George Smith.

That said appraisers, after a careful examination, have awarded to Mr. Parker, for

Damage done to his building, -	$650 00
" " " " carriages, &c. -	391 50
	$1,041 50

That Mr. Parker presents a farther claim for loss in his business, and removing his work shop, &c. Your Committee, being anxious to render an impartial and prompt adjustment of this claim, have visited Mr. Parker's factory, and

from their examination have unanimously agreed to allow for expenses in removing and fitting up his shops, fixtures, &c., One Hundred and forty Dollars.

They therefore beg leave to offer the following resolution:

Resolved, That the Comptroller be directed to draw a Warrant in favor of Miln Parker, for Eleven Hundred and eighty-one Dollars, fifty cents, in full for all claims by him against the Corporation of New York, for damages sustained at Yorkville.

THOMSON PRICE,
GEORGE SUTTON,
JOHN I. LABAGH.

DOCUMENT K.

BOARD OF ASSISTANTS.

DECEMBER 28, 1832.

Report of the Special Committee on the petition of the Manhattan Gas Company. Adopted.

JOHN W. RICHARDSON, Clerk.

The Special Committee, to whom was referred the Report and Resolutions of the Board of Aldermen, in relation to the application of the Manhattan Gas Light Company, beg leave to

REPORT,

That they have given the subject as accurate an investigation as their opportunities would permit. That they have ascertained upon competent authority, that at the present cost of the manufacture of gas, the Company would be obliged to disburse fifteen dollars a lamp for the supply of gas in qua-

lity and quantity, equal to that which is supplied by the New York Gas Light Company, by their contract with the Corporation.

That in consideration of a contract being entered into, that should be in all respects upon the same terms and conditions with that made with the New York Gas Light Company (with the exception of the consideration hereinafter stated) the Corporation shall require from the Manhattan Gas Company, that they shall furnish the public lamps with gas, and be at the charge of lighting the same, for the sum of fifteen dollars a lamp. The Corporation to have the option of using the same or not, as they may see fit. The Company not to be compelled to light any lamps that may be in a line east and west, north of Sixth street. In conformity to which the Committee beg leave to offer the following resolution :

Resolved, That the Manhattan Gas Company be authorised to make use of any of the public streets in the City of New York, north of Grand street, for the laying down of gas pipes in conformity with their petition : Provided they shall previously thereto enter into a contract with the Corporation to light and furnish with gas such of the city lamps as they may from time to time be required to do, from such mains as the Company may lay between Grand street and a line not farther north than Sixth street, upon the same terms and conditions as have been granted to the New York Gas Light Company, and for the same period of time, excepting that the cost of each lamp, and the lighting of the same, shall not exceed fifteen dollars a lamp. The Company are to have the same terms and conditions, in relation to their gas works becoming a nuisance, and in relation to the repairs of the streets, as have been imposed upon the New York Gas Light Company, and such other salutary regulations as are stated in the report of the Committee of the Board of Aldermen.

That the Counsel for the Board, if the Board of Aldermen concur, and the Manhattan Gas Company assent thereto, be directed to prepare a contract in conformity with this resolution, and the report of the Board of Aldermen.

G. W. BRUEN,
D. BANKS,
W. VAN WYCK.

DOCUMENT L.

BOARD OF ASSISTANTS.

JANUARY 14, 1833.

Draft of a Contract between the Mayor, Aldermen and Commonalty of the City of New York and the Manhattan Gas Light Company. Referred to the Special Committee on that subject.

JOHN W. RICHARDSON, Clerk.

THIS INDENTURE made this day of A. D. 1833, between the Mayor, Aldermen and Commonalty of the City of New York, of the first part, and the Manhattan Gas Light Company of the second part, witnesseth, that the said parties of the first part, for and in consideration of the covenants, articles and agreements hereinafter mentioned, on the part of the said parties of the second part, and their successors, to be observed, performed and kept, do hereby grant and devise to the said parties of the second part, and their successors, the privilege and right to lay or place under ground, pipes in any and all of the streets, avenues and pub-

lic places of the City of New York, lying and being north of a line commencing at the East River, at the foot of Grand street, and running through Grand street to Sullivan street, and through Sullivan street to Canal street, and through Canal street to the North or Hudson River, and in any or every part of such street, avenue or public place for the purpose of conducting gas, commonly called inflammable gas, for lighting the public lamps in the said streets, avenues and public places, and parts thereof, as hereinafter mentioned, and for lighting the houses or buildings fronting or to front on or bounded by or adjacent to the said streets, avenues and public places, or parts thereof. To have, hold, use and enjoy the said right and privilege, unto the said parties of the second part, and their successors, from the day of the date of these presents, until the twelfth day of May, which will be A. D. 1853; provided always, and these presents are upon this express condition, that they, the said parties of the second part, and their successors, shall and do, in all things, well and sufficiently keep, perform and observe, all and singular, the covenants, articles, provisions, agreements and stipulations on their part to be kept, performed and observed, as hereinafter specified.

And the said parties of the second part, in consideration of the premises, do, for themselves, and their successors, covenant and agree to and with the said parties of the first part, and their successors, as follows, that is to say, that any gas house or works, for the manufactory of such gas, to be erected or established by the said parties of the second part, in the City of New York, shall be so erected and established on the margin either of the Hudson or of the East River, or at some place not south of Fourteenth street in the said city; and that all pipes for conducting the same, which the said parties of the second part may cause to be laid, shall be of sufficient capacity, and made and constructed of the best materials of cast iron, and in the most approved manner;

also, that from all such main pipes, as they may lay or cause to be laid by virtue of the right and privilege hereby granted, they will supply with gas, and cause to be lighted, such and so many of the public lamps opposite or adjacent to such main pipes, as they may from time to time be required to do by the said parties of the first part, and that the said lamps shall be so lighted during such times as the public lamps throughout the city of New York, are required to be lighted by the regulation of the said parties of the first part; and that all such public lamps situated north of the line aforesaid, and south of the line of Sixth street, which the said parties of the first part may require to be so supplied with gas, and lighted as aforesaid, shall be so supplied and lighted by the said parties of the second part, at a yearly expense to the said parties of the first part, not exceeding fifteen dollars for supplying each of such lamps with gas, and lighting the same. And it is further agreed that the said parties of the second part, shall furnish at their own expense, the necessary conductors of metal of sufficient capacity to the lamp posts of such public lamps as they may be required to supply with gas and light as aforesaid; and that the light of the said lamps shall be of a quality, brilliancy or intensity equal to the gas in use for the public lamps in the city of London. It is understood, however, that the parties of the first part, are to be at the expense of such lamps, with their lamp irons, lamp posts and fitting up, but at no other expense for fixtures, conductors, repairs, or on any other account whatsoever, for the same. And it is further agreed, that the said parties of the second part, shall at all times give forty-eight hours notice to the said parties of the first part, or their Street Commissioner, of their intention to break up or open any street, avenue or public place, or part thereof, or to remove any part of the pavement therefrom, for the purpose of laying or repairing the pipes to conduct the said gas, and that they will replace the earth which

they may remove in so doing, before sunset of the day on which such opening shall be made, and that they will replace the pavement and repave and repair the same in such reasonable time and manner, as the said parties of the first part or their Street Commissioner may direct, and in as good and firm a manner, as such streets, avenues or public places or parts thereof, were in before being broke up for the purpose aforesaid. Also, that all such repairs, as shall at any time become necessary by reason of laying the said pipes or conductors, shall be made and done by the said parties of the second part, at their own cost and expense. Also, that no such street, avenue or public place or part thereof, shall be so broken up or opened, or the pavement thereof removed, or shall be again filled up and repaired, or such pavement replaced, except under the direction and supervision of a competent person to be appointed by the said Street Commissioner, and who shall be considered as in the employ of the said parties of the first part, but who shall be paid for his services, by the said parties of the second part, such sum as the said Street Commissioner may direct, not exceeding one dollar and fifty cents per diem, for each day that he may be so employed. Also, that no such street, avenue or public place, or part thereof, shall be so broken up or opened, or the pavement thereof removed at any time between the first of December and the first of March, during the continuance of the term mentioned in these presents, without the consent of the said Street Commissioner being first obtained for that purpose.

And it is further agreed, that the said parties of the second part shall and will so conduct their manufactory or manufactories of gas as not to create a nuisance, and that they will in all things be governed by such reasonable and necessary rules and regulations as the said parties of the first part, or their successors, may, from time to time, pass, ordain, and es-

tablish, relative to the opening of such streets, avenues or public places, or parts thereof, and laying down the pipes and conductors aforesaid.

And it is hereby expressly provided that nothing herein contained shall be construed or deemed as granting to the said parties of the second part, any sole or exclusive right or privilege, or as preventing the said parties of the first part from granting the like privileges as are hereby given to the said parties of the second part, to any other company, persons, or parties whatsoever, or as preventing any person or persons residing on or adjacent or near to any of the said streets, avenues or public places, or parts thereof, lying north of the line hereinbefore first mentioned, from erecting in or upon his or their own premises, any building or apparatus, to light with gas, his or their own house, store, manufactory or premises. And it is further provided, and these presents are upon the express condition, that if the said parties of the second part, or their successors, shall not well and truly observe, perform, fulfil and keep all and singular, the covenants and conditions hereinbefore contained, on their part and behalf to be observed, performed, fulfilled and kept, according to the true intent and meaning of these presents, then, and in that case, it shall and may be lawful for the said parties of the first part, by a resolution or order to be passed in Common Council, to annul and vacate the grant, and thereupon the premises hereby demised shall be revested in the said parties of the first part, or their successors, as fully and completely as if this indenture had never been executed.

In witness whereof, &c.

DOCUMENT M.

BOARD OF ASSISTANTS.

JANUARY 14, 1833.

Report of the Committee on Wharves, and Public Lands and Places, on Bulkhead at Peck Slip. Adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Wharves, and Public Lands and Places, to whom was referred the petition of sundry persons, praying the Common Council to take the necessary measures for filling up Peck Slip, and building a new Bulkhead, beg leave to

REPORT,

That the petition is signed by a large number of the owners and lessees of lots of ground and buildings adjacent to the Slip in question, being probably a majority of those on whom the assessment for the contemplated improvement would be

laid, and who set forth in their memorial, that the condition of the Slip was such during the last summer as justly to excite fears for the health of the neighborhood.

Your Committee instructed the Street Commissioner to give notice by public advertisement of the proposed measure of filling up the said Slip, in order that all persons concerned might have due notice thereof, which has been done, but no objections have been offered. They have also made a personal examination into the subject, and are strongly impressed with the propriety of accomplishing the object sought by the petitioners.

The bulkhead which now forms the head of the Slip at Front street, was erected many years ago, when the water was much deeper than it is at present; but in consequence of receiving the wash from the surrounding streets, it has gradually diminished its depth of water, until it has become so shallow that it falls partly bare at low tide, thereby destroying its usefulness as a basin for vessels, and perpetually throwing off exhalations which, during the warm season of the year, are beyond doubt detrimental to the neighborhood.

In addition to the cause above mentioned, this Slip has always been the outlet of the common sewer, passing through the low grounds, in and about Ferry street, and daily deposits in the basin the refuse materials from the various manufactories in the Swamp, as well as the wash from the surface of the streets in that quarter; which, from the shallowness of the water, cannot be carried off. It is extremely desirable that the public sewers of the City should in all cases, discharge their contents in water sufficiently deep, so that the action of the tide may disperse them, and prevent their deposit near the mouth of the sewer; by extending a wooden trunk as far as the line of South street, where the new bulkhead is proposed to be built, this object will also be accomplished.

A doubt has been suggested, whether the Common Council could erect any new wharves or bulkheads across the slips, without interfering with the rights conveyed by the Corporation, in the annual contracts made by them, with the persons who lease from them, the right of receiving wharfage from vessels lying in the public docks and slips. An examination of the written instruments between the Corporation and the lessee of the district in which this Slip is situated, for the year beginning 1st May, 1832, and ending 1st May, 1833, shows the following condition: "And it is hereby declared, by the parties to these presents, that the parties of the first part, reserve to themselves and their successors, the right to build such new Bulkheads and Piers, and to repair and cleanse such of the wharves, piers, docks and slips as they may deem proper, without any claim for damages, or for deduction of rent, whatsoever, on the part of the said party of the second part, or those claiming under him on any such account."

It is manifest from the above recited stipulation, that the Common Council have the legal power to erect the Bulkhead in question, or any other which they may deem expedient.

On a view of the whole subject, your Committee are unanimously of opinion, that it is now necessary to build a Bulkhead across Peck Slip, on the south line of South street, and also to extend the sewer to the same line, filling up and levelling the intermediate space to the grades of the adjacent streets; and if the work be undertaken without any unnecessary delay, so that the Bulkhead be sunk, and the continuation of the sewer constructed as early in the Spring as the season will permit, the materials requisite to fill up the intermediate space may probably be obtained at little if any cost, as it will afford a convenient place of deposit for the refuse materials and surplus earth furnished by taking down old and

erecting new buildings, which, it is well known, always takes place to a very great extent, during the Spring months. It is computed that a saving of at least Fifteen Hundred Dollars may be made if this work is carried on during the proper season.

It is here proper to remark, that the expense of making the proposed alterations in Peck Slip, will, according to law, be borne one-third by the City, and two-thirds by the owners of the property benefitted; to be raised in the usual way—by assessment. It is also believed that no special appropriation is necessary to carry this object into effect, that part of the cost to be borne by the City being properly chargeable to the appropriation for Docks and Slips, for the current year.

In conclusion, your Committee offer for the consideration of the Board the following resolutions:

1. *Resolved*, That a Bulkhead be built across Peck Slip, on the southerly line of South street.

2. *Resolved*, That the Sewer in Peck Slip be extended by a wooden trunk, properly constructed, to the outside of the new Bulkhead to be built, and that all the intermediate space between the present Bulkhead and the southerly side of South street, be filled up and properly regulated.

3. *Resolved*, That the Street Commissioner be and he is hereby directed to take the proper measures to carry the preceding resolutions into effect.

All which is submitted.

FRANCIS FICKETT,
THOMSON PRICE,
D. BANKS,
Committee on Wharves and Public Lands and Places.

DOCUMENT N.

BOARD OF ASSISTANTS.

JANUARY 21, 1833.

Report of the Street Committee on opening Eighty-fourth street. Adopted.

JOHN W. RICHARDSON, Clerk.

The petition of sundry persons, owners of property on Eighty-fourth street, praying that said street be opened from the Third to the First Avenue, which was referred to the Street Committee, who beg leave to

REPORT,

That it is desirable for public convenience that it should be opened to afford access for the owners to their respective property. There appears to be no objections to the proposed opening. Some of the owners are desirous of building on the street during the ensuing summer.

The Committee offer the following resolution :

Resolved, That Eighty-fourth street be opened from the Third to the First Avenue, and that the Counsel be directed to apply to the Court for the appointment of Commissioners thereon, and that all papers necessary therefor be authenticated in the usual manner.

WM. W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENT O.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Further report of the Street Committee on opening Eighty-fourth street. Adopted

JOHN W. RICHARDSON, Clerk.

The Street Committee ask leave to state to the Board, in reference to their Report on opening Eighty-fourth street, from the First to the Third Avenue, that they inadvertently omitted noticing a part of the petition from the owners of the land through which said street is laid out. In addition to the opening of Eighty-fourth street, the petitioners also ask, that so much of the First Avenue as lies between Eighty-fourth and Eighty-sixth streets should be opened. The Committee find, on inquiry, that no objection exists to this partial opening of the avenue, and as they remarked in their former report, that it is contemplated by some of the owners to erect houses there during the ensuing summer, they are of opinion, that

the convenience, as well as interest of the petitioners would be advanced by said opening; they therefore ask leave so to amend their report, as to embrace the opening of the avenue, and offer the following resolution:

Resolved, That the First Avenue be opened from Eighty-fourth street to Eighty-sixth street, and that the Counsel of the Board be directed to adopt the necessary measures for that purpose, and that all papers required therefor, be authenticated in the usual manner.

W. W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENT P.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report of the Committee on Laws, &c., relative to the appointment of one or more additional Inspectors of Weights and Measures. Adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, and Applications to the Legislature, to whom was referred the resolution relative to the appointment of one or more additional Inspectors of Weights and Measures for this city,

RESPECTFULLY REPORT,

That on examining the law entitled, "an act respecting the Sealers and Inspectors of Weights and Measures in the city of New York," passed March 27th, 1821, they find that the Corporation are thereby authorised to appoint *an Inspector* of

Weights and Measures, and as many Sealers of Weights and Measures as they may deem proper. Under the authority of this act, an Inspector has been appointed, whose duties embrace the whole city. The Committee do not deem it necessary to express any opinion as to the propriety of actually increasing the number, because the resolution referred to them proposes merely to get the power to do so, leaving it to the Common Council, at their discretion, to make one or more additional Inspectors, if they should think fit. It may be, that the duties of the office are too great for one person, and as the Corporation are the fittest judges on this subject, the Committee are of opinion, that it would be expedient to apply for the proposed law. They have caused an act for this purpose to be drawn, which is herewith submitted, and they offer the following resolution:

Resolved, That the Counsel cause the same to be presented, with a suitable memorial, to the Legislature, praying for the passage thereof.

D. BANKS,
GEORGE SUTTON,
G. W. BRUEN.

AN ACT

To Authorize the appointment of one or more additional Inspectors of Weights and Measures in the City of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION I. It shall be lawful for the Mayor, Aldermen and Commonalty of the City of New York, in Common

Council convened, to appoint one or more additional Inspectors of Weights and Measures, in and for the said city, whenever they may deem it expedient so to do, and to assign particular portions or districts of the said city, within which all Inspectors of Weights and Measures appointed by them, shall exercise their duties respectively.

SECTION II. Every such Inspector of Weights and Measures shall be subject to such ordinances and regulations as the said Common Council may from time to time pass respecting the fees and duties of the said office.

DOCUMENT Q.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report of the Law Committee, on the Resolution, and Draft-Law, relative to closing Streets and Roads. Adopted.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, &c., to whom was referred the Resolution and Draft-Law respecting the closing of Streets and Roads, beg leave to

REPORT,

That the object of the said law is to authorise Commissioners of Estimate, on closing streets and roads, to allow to the owners the full value of such buildings and lots as may have no other access to them except such street or road, to be closed ; and to award the property thus situated to the Corporation.

The Committee understand that there are certain lanes which ought to be closed, having lots fronting on them, but without any other outlet, and that as the law now stands, the Corporation on closing such lanes, would have to pay damages amounting nearly or entirely to the value of such property, without receiving an equivalent.

They conceive the proposed amendment to be a proper one to apply to such cases, and as the draft of the law is approved of by the law officers of the Corporation, they recommend a concurrence with the Board of Aldermen, in the adoption of the resolution directing an application to be made to the Legislature for the passage of such law.

D. BANKS,
GEORGE SUTTON,
G. W. BRUEN.

DOCUMENT R.

BOARD OF ASSISTANTS.

JANUARY 28, 1833.

Report of the Street Committee on opening Fourth Avenue. Adopted.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the petition of S. B. Ruggles, to open a part of the Fourth Avenue, to wit, from its commencement at Seventeenth street, to the north line of Twenty-eighth street,

REPORT,

That the petitioner states himself to be the owner of nearly one half of the lots on the Avenue, and for the purpose of obtaining ready access to his property, he is induced to offer the petition. Improvements to a great extent are in progress on the Avenue and vicinity; and it is contemplated, as under-

stood by your Committee, to erect houses, expensive and ornamental during the ensuing Summer. The Avenue is in fact now open, by the construction of the Rail Road, partially, and the object of the petition is to have it legally opened.

The Committee think it desirable that the Avenue should thus be opened for the reasons above; they therefore offer the following resolution:

Resolved, That the Fourth Avenue be opened from Seventeenth street to the north line of Twenty-eighth street, and that the Counsel of the Board take the necessary measures therefor, and cause the necessary papers to be authenticated in the usual manner.

W. W. HOLLY,
GEORGE SUTTON,
FRANCIS FICKETT.

DOCUMENTS

OF THE

BOARD OF ASSISTANTS.

FROM MAY 20, 1833, TO MAY 12, 1834.

VOL. III.

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DOCUMENT NO. I.

BOARD OF ASSISTANTS.

MAY 20, 1833.

The following Communication from the Mayor, was received and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Mayor's Office, May 20, 1833.

GENTLEMEN,

The annual re-organization of the Common Council is deemed a proper occasion for communications from this department:—You have been called to the administration of the government of a city—great in its wealth, great in its population, and unequalled in the rapidity of its progressive increase.

The commercial advantages of New York, the superiority of its harbor,—its relatively central position to the commerce of Europe, South America, the West Indies, and the Cities

and States of our own nation—connected with a boundless extent of interior country, by means of rivers, canals and lakes,—settled and settling by a population intelligent, moral, industrious and enterprizing beyond any former example of the human race,—the export of whose surplus produce, and the imports for whose consumption, must forever, if duly fostered and encouraged by the State and City Governments, chiefly pass through this port. So numerous and so great a combination of commercial facilities, connected with the peculiarly enterprizing character of our citizens, has already placed New York in the second class of the Commercial Cities of the world, and must shortly place her in the first.

With this brief view of the present and prospective destiny of the city whose legislation and government are entrusted to our hands, and with such plenary powers—in relation to the public health—quarantine—docks—wharves—commerce—streets—buildings—assessments and finance, as are rarely delegated to any body of men in this country—I cannot too strongly impress on your minds—I cannot feel too deeply myself—the magnitude of trust, the weight of the responsibility, and the greatness of the accountability to our constituents, devolving on each member.

It will not escape your notice, that a progressively growing city, requires far more labor on the part of the legislator, in providing for the new portion daily springing into being, in conforming and harmonizing these with the older portions, than is required in an old town which has come to its maximum greatness.

Untiring industry and constant vigilance, guided by sound discretion, will be, and ought to be, required of us, not only by those from whose immediate confidence we have been clothed with powers and duties of such moment to our immediate constituents, but we owe more or less duty to all

who hold commercial intercourse with this great depot of the Western World.

In calling your attention to the numerous subjects of legislation which I think require your consideration at this time, I purpose to do little more than present a catalogue, having heretofore communicated to the Common Council my reasons for urging many of the topics now recommended—which will be found on your files—and being ready at all times to give any Committee such data as I may possess, in relation to any matter which may be referred to such Committee.

The public health—always of the first importance in every community—I have the satisfaction to inform you, through divine goodness, is in a state of unusual perfection; no symptom remains of the appalling scourge of the past season which swept over us like a consuming fire,—no other alarming epidemic has come to my knowledge, in our city or its environs.

The Health Officer at Quarantine, and the Commissioners resident in this city, are vigilant and discreet. An unusual amount of labor has been performed during the cold season, in cleaning the interior of premises,—I recommend that the work be resumed in November next; and in the mean time, that every measure in your power be adopted to preserve the present healthful condition of our fellow-citizens.

It will be remembered, that the period immediately preceding the appearance of the epidemic cholera last year, was a period like the present, of unusual healthfulness; it is now seen by the gazettes that this fearful disease has re-appeared in New Orleans and Cincinnatti: I submit whether some measures ought not to be presently adopted in reference to its possible return to this city. Among such measures, I suggest a more effectual system of cleaning the streets.

The great desideratum—so long delayed—so indispensable to the public health—a copious supply of good water—I deem to be now in a promising train of accomplishment;

but I do not perceive that the Common Council can beneficially do more, until the Commissioners make their report, than to facilitate their labors by the appropriation of such means as shall be found requisite.

I have heretofore recommended the cleaning of the docks and slips, as a measure promotive of the health of our city; I now respectfully, but urgently, recommend such cleaning for the convenience of our navigation. On a full examination, I am convinced that it will require not less than two or three Mud Boats in future, to remove the constantly accumulating mass from all the docks and slips. Private individuals are ready to contract to prepare the requisite machines, and to remove the mud for a term of years, at a rate of twenty-seven cents per cubic yard. Should this subject be referred to a Committee, they may obtain much information from sundry documents now on your files; and will probably be able to determine, whether the city should build and work its own machine for this purpose, or contract with individuals to do it.

Believing it to be my duty, I do cheerfully assume the responsibility of recommending a large expenditure in the erection of additional Prison Houses; a portion of my reasons are given in a former communication. It appears to me that a Bridewell and a House of Detention on this Island and a Female Penitentiary on Blackwell's Island, are indispensable to the good government of this city.

I feel constrained to recommend an early revision of the whole body of the City Ordinances; the great changes which have taken place in our city since 1827, (the latest period of a general revision) appear to require this measure. Some of the Ordinances have become obsolete and disused; some require additional provisions; and the Police Law of February last, passed by the Legislature, requires several new Ordinances to render that Law fully useful to the city. The

Ordinances regulating Pawnbrokers and Dealers in second hand articles, appear to me, very defective. The Street Inspectors have reported to me, on request, in all the Wards, no less than eighty-five of those receptacles commonly called "Old Junk Shops." Under proper regulations, these places, now so injurious to the welfare of the city, might be rendered harmless, possibly beneficial.

Perhaps no branch of labor or business more urgently claims your attention than the dirt carts; they are now under no municipal rule or regulation.

I recommend such amendment of the Ordinance, that the Peace Officers now required to attend *all* fires, under heavy penalties for neglect, be formed into companies, and that each company be required to attend *such fires only*, as shall occur in such division of the city as may be assigned to the company to which they belong: at present the duty would be exceedingly onerous if fully attended to.

I respectfully suggest, that some measure should be adopted to *induce*, or to *enforce*, the more punctual ringing of the church bells on the alarm of fire.

I view the present system of excise as susceptible of great amendment, and submit to the wisdom of the Common Council to devise the kind of amendment most necessary and proper.

Few subjects of legislation are so important to the community as that of education; the funds provided for this purpose are most ample for the education of every child in the city. Those who have the charge of the schools are making great exertions to accomplish this most desirable end. I solicit your co-operation and aid in all cases in which it may be required.

For that important department in all governments—the finances—I beg leave to refer the Common Council to the annual and occasional reports of the Comptroller. I cannot

but anticipate that your appropriations will be made with a due regard to the public necessities, and that a strict accountability will be required in all disbursements.

GIDEON LEE,
Mayor.

DOCUMENT NO. II.

BOARD OF ASSISTANTS.

JUNE 3, 1833.

Report of the Special Committee on the protest and memorial of Samuel Kip, jr., in relation to the election of William Day as Assistant Alderman of the Eighth Ward—also on memorial of sundry inhabitants of the Sixth Ward, respecting the late election for charter officers in said Ward. Ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Special Committee of the Board of Assistants, to whom was referred the protest and memorial of Samuel Kip, jr., in relation to the election of William Day as Assistant Alderman of the Eighth Ward ; also, the memorial of sundry inhabitants of the Sixth Ward, respecting the late election for charter officers in said ward,

RESPECTFULLY REPORT,

That on the subject of Mr. Kip's memorial, they have been

attended by Mr. Day and Mr. Kip, the opposing candidates; and having ascertained from the statements of the former gentleman, made in the presence of the latter, certain facts and circumstances upon which they consider the legal question involved in this matter to be fairly presented, they deem it their duty to report the same to the Board as follows:

John Day, the grandfather of the gentleman whose election is now under consideration, resided, until about the close of the Revolutionary War, in the State of New Jersey. He then removed with his family to the British Province of New Brunswick, taking with him his son Henry Day, (the father of Mr. William Day,) who was born in New Jersey, but was then a minor. John Day the grandfather, remained an inhabitant of the Province of New Brunswick, until his death, having upon his removal there, received a grant of crown lands from the British Government; and similar lands were either received or sold by Henry Day his son. Henry Day was married in New Brunswick, and there his son William Day was born, and continued to reside till 1804, when he was about 11 years of age.

In that year, his father Henry Day returned to the United States, and continued to reside there until his death.

William Day accompanied his father to the United States, and has resided here ever since, always considering himself an American citizen. He has performed duty as a fireman for 10 years; has bought and sold real estate, and has assumed all the obligations, as well as the privileges, incident to such citizenship. He states however, that during the last war, while he was yet a minor and an apprentice to William Myers, Mr. Myers had him recognized as an alien, in order, as Mr. Day suspects, to prevent his being required to do military duty. He says also, that his father Henry Day, considered himself as a citizen after his return to the United States; but is unable to state whether, while in New Bruns-

wick, his father ever took any oath of allegiance to the British Crown.

Mr. Day also represents, that he never entertained a suspicion that his claims to the character of an American Citizen could be questioned, until the second day of the recent charter election, when on presenting himself to the poll to vote, he was required for the first time, to make oath to his citizenship which he declined to do. That doubts then presenting themselves to his mind on this point, he thought it advisable to take the oath of allegiance, and cause himself to be enrolled as a citizen in due form of law, which he accordingly did on the second day of the election, (which was the 10th day of April last,) about the middle of the day.

Your Committee believe that the above facts may be received by the Board as conceded to be correct, and as presenting ample grounds for their decision; but as the questions arising upon them are purely legal in their character, and as the parties are desirous of having the subject discussed by Counsel before the Board, your Committee refrain from expressing any opinion as to the legal conclusions resulting from the case as above stated, but respectfully recommend that the wishes of the parties in respect to a hearing by Counsel before the Board may be complied with.

In respect to the recent election for the Sixth Ward, your Committee have reason to believe that the facts and circumstances upon which the decision of the Board must be founded, can only be obtained by the examination of such witnesses as the contending parties may respectively produce; and as the evidence of such witnesses may, in some respects, be contradictory, it is of great importance that the investigation should be conducted in the most judicious and satisfactory manner.

The Committee have therefore considered whether it was their province to enter upon this investigation, or whether the

same ought not more properly to be conducted in the presence of the Board. They have also consulted the records of the Common Council, to ascertain whether any settled practice, in cases of this nature, has been heretofore adopted; and although it would appear that the mode of proceeding in this respect has not been uniform, (the evidence in some instances having been heard before a Committee, and in others, in presence of the Board,) the weight of authority derived from the proceedings of the Common Council, in cases of this character, which have already occurred, leans in favor of conducting the investigation before the Board. A case, very similar to the present case of the Sixth Ward, occurred in reference to the same ward in 1823. The right of the Alderman returned as elected, to his seat, was contested, and it was referred to a Select Committee to inquire what had been the practice of the Common Council in deciding conflicting claims to a seat at the Board; and what, in the opinion of the said Committee should be such practice. The Committee reported that in such cases, the scrutiny had usually taken place before the Common Council, and that in their opinion, such investigations ought always to be conducted in the presence of the Board, and not through the medium of a Committee. This report was adopted and acted upon; and your Committee beg leave to say, that they entirely concur with the views which were then taken of the subject.

The power of judging of the qualifications of its members, and of directing new elections to be held to supply vacant seats, is expressly given by the act to amend the charter of the city, to each Board of the Common Council. It is an important trust to be executed for public benefit, and calls upon the members who compose such a tribunal, to exercise their best faculties in developing the truth, and arriving at a just conclusion. To do this effectually, in cases depending

upon oral, and probably conflicting testimony, it is manifestly proper that the witnesses should deliver their statements and answer such inquiries as may be put to them, in the presence and under the immediate observation of those who are to judge and pronounce upon the case. The manner and deportment of a witness have often a strong bearing upon his credibility; and the report of a Committee cannot be deemed either a safe or an adequate mode of transferring impressions thus derived, to the minds of those with whom the decision of the controversy rests.

The Committee would therefore respectfully recommend that in the case of the Sixth Ward, the witnesses and counsels of the contending parties be heard before the Board, and such, they are informed, is the wish and expectation of the many persons who feel an interest in this question.

They conclude by submitting the following resolution for the consideration of the Board:

Resolved, That the Board of Assistants will hear the opposing candidates in the case of the late election for Assistant Alderman of the Eighth Ward, by their respective counsel, on the 12th day of June, instant, at half past three o'clock, in the Superior Court Room in the City Hall.

And that the Board will hear the respective parties interested in the late charter election for Assistant Alderman in the Sixth Ward, by their counsel respectively, and such witnesses as they may produce, on the 11th day of June instant, at 4 o'clock P. M. of that day, in the aforesaid room.

WM. C. WALES,
STEPHEN ALLEN,
J. AUG. SMITH.

DOCUMENT NO. III.

BOARD OF ASSISTANTS.

JUNE 3, 1833.

Report of the Finance Committee on several reports and resolutions purporting to have passed the late Board of Aldermen. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom were referred eight several reports and resolutions, purporting to have passed the Board of Aldermen of the late Common Council, on the 13th of May, 1833,

REPORT,

That the reports and resolutions alluded to, are founded upon petitions presented to the late Board of Aldermen, a branch of the Common Council, whose term of service expired on the 14th of May, 1833; and as the said resolutions

and reports were not acted on by the other co-ordinate branch of the Common Council then in existence, or presented to the Mayor for his approval, in conformity with the provisions of the charter, the act of the said Board of Aldermen, in the opinion of the Committee, is null and void.

It is provided by the "Act to amend the charter of the City of New York," passed the 7th of April, 1830, that the legislative power of the Corporation of the City of New York, shall be vested in a Board of Aldermen and a Board of Assistants, who together, shall form the Common Council of the City. That the Aldermen and Assistants shall be chosen for one year, and shall be sworn into office on the second Tuesday in May. That the Aldermen shall form the Board of Aldermen, and the Assistants shall form the Board of Assistants. That the Boards shall meet in separate chambers; and that every act, ordinance or resolution which shall have passed the two Boards, before it shall take effect, shall be presented, duly certified, to the Mayor of the City for his approval.

It appears, therefore, that the legislative power of the Corporation is vested in two Boards, who are to act separately, and apart from each other; and that all the acts, after having passed both Boards, are subject to the veto of the Mayor, precisely in the same manner that the legislative power of the State is vested in two houses, the Senate and Assembly, subject to the veto of the Governor. (See Constitution, art. I. sec. 1 and 12.)

The same principle therefore, which governs the Legislature of the State, in enacting laws, must, in the opinion of the Committee, govern the Common Council. For if one of the Boards of Common Council of this year, can consummate an act passed by a different Board of the Common Council of the last year, then can the Senate of 1834 pass the several acts sent to them by the House of Assembly of

1833, and with much more propriety, as, in the first case, the members of both Boards are elected annually to serve for one year; while, in the latter, the members are elected to serve for four years, and only eight of the thirty-two are annually elected. But it is a well known fact, that numerous bills which have passed one house, and sent to the other for concurrence, are annually left by each branch of the Legislature unacted on; and that in no instance, have those bills been taken up by either of the succeeding houses as unfinished business: they must be brought up by petition, or introduced by leave granted, and go through all the forms of legislation, *de novo*, before they can be enacted into a law of this State.

The legislative power of this State, (or of the people of this State,) is vested in a house of Senate and Assembly; so the legislative power of the Corporation of the City of New York, (or of the inhabitants and citizens of the City of New York,) is vested in a Board of Aldermen and Board of Assistants. The Common Council of this City are not the Corporation of the City, for the Charter declares that the inhabitants and Citizens of the City of New York are a body politic and corporate. (See Charter, 37—38.) It is therefore the inhabitants and citizens of New York who are the Corporation, and not the Common Council, who are annually chosen to represent the Corporation, in the same manner as the members of the Legislature are chosen to represent the inhabitants and citizens of the State;—the Legislature are not the people of the State, nor are the Common Council the people of the City.

The present Board of Aldermen are neither in law or in fact the same who passed upon the resolutions alluded to, for they were elected to succeed those who passed upon them, and whose term of service expired on the second Tuesday in

May, 1833: and the fact is, that nearly two-thirds of them are gentlemen who were not members of the former Board.

All the resolutions attached to these reports recommend the payment of money: and should they pass the present Board of Assistants, and receive the sanction of the Mayor, they would only have passed two branches of the enacting power of this Common Council, instead of three, as directed by the charter. Would the Comptroller, under these circumstances, be justified in drawing his Warrant for the sums thus ordered? Or is it probable that the Mayor would approve of a measure, which had passed only one branch of the Common Council now in existence?

The Committee consider the subject important in more than one point of view. It is important, that a question upon which doubts have been entertained, (as the Committee are informed,) should be settled; and it is important, because a departure from the strict rules of Charter privileges, as the Committee think the passage of these resolutions would be, may be attended with unpleasant results to the City, should the subject, at any time hereafter, be brought to a legal decision.

It appears by a case reported, (2d Shower, 264,) that the Charter of the City of London was once declared forfeited, for an act of the Common Council, in passing an ordinance not warranted by that instrument, and that it required an act of Parliament to set aside the judgment, and restore the Corporation to its former privileges.

A Corporation is the creature of the Charter that constitutes and gives it being, and prescribes bounds and limits to its operations, beyond which it cannot regularly proceed. It may be dissolved by forfeiture of its charter, through neglect or abuses of its franchises, in which case the law judges that the body politic has broken the condition upon which it was incorporated, and therefore the Corporation is void. (2d

Bac. Ab. 8. 1 Bla. Com. 485.) With these opinions on record, and which are considered by the Courts of this State as the Common Law doctrine on the subject of the violation of Charter Privileges, it appears to the Committee that it behooves the Common Council to act with great caution in the exercise of the powers delegated to them by the Laws of this State. In any case of doubt, in the opinion of the Committee, the safest course to be pursued by the Common Council will be rather to keep within the limit of the power granted, than to exceed it.

The ancient Charter of this City, has in a great measure, been superseded by acts of the Legislature, and the powers and privileges of the Common Council must therefore depend on the provisions of these statutes and not on the superseded instrument. If, then, the statute under which this present Common Council is organized and exists, has limited the term of service of its members to one year, and declared that no resolution or ordinance shall become a law until it has passed both Boards, and sent to the Mayor for his approval, how can this Board legally act upon resolutions purporting to be passed by a branch of the Common Council not now in existence? If the resolution should be amended by this Board, and returned to the present Board of Aldermen for concurrence, how can they concur in the amendment of a law they have never seen, when the act of returning the resolution to them is predicated on the fact, that it originated with them. If the Mayor objects to any measure submitted to him, he is to return it to the Board in which it originated, with his reasons; but should this Board pass the resolutions, and send them to the Mayor, for approval, and he disapproves, how is he to make return to the Board in which they originated, when it has no existence?

It appears to the Committee, therefore, from the best consideration they have been enabled to give the case, that the

reports and resolutions referred to them, ought not to be acted on by this Board; but that the petitions should be returned to those who presented them, in order that they may present the same or other petitions anew if they shall deem it expedient, and they therefore propose the following resolution:

Resolved, That the papers referred to in the foregoing report be deposited with the Clerk of this Board, and that the petitioners be permitted to withdraw their petitions and present them anew, if they shall deem it expedient.

Respectfully submitted.

STEPHEN ALLEN,
D. McCARTHY.

DOCUMENT NO. IV.

BOARD OF ASSISTANTS.

JUNE 10, 1833.

Resolution that Comptroller report statement of all contracts, and also an estimate of probable expenditure of the year—with the Comptroller's Report thereon—also Report of Finance Committee, on said Report, with a Law making appropriation for expenditure for the year. Adopted and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Resolved, That the Comptroller report to this Board, a statement of all the contracts, or orders, made, directed, or authorised by resolution or ordinance of the late Common Council, for the working, regulating, or MacAdamising any roads or avenues,—building docks, markets, or other public erections,—laying conduit pipes,—erecting lamp-posts or any other matter out of the ordinary line of expenditure, not now completed and paid for,—the expense of which, or

any part thereof, is to be paid from the City Treasury ; and the amount, whether in part, or in whole, still to be paid.

Resolved, That the Comptroller also report, an estimate of the probable receipts and expenditure for the political year of the Common Council, commencing on the second Tuesday in May, 1833, and ending on the second Tuesday in May, 1834, in order that an ordinance may be passed, making the necessary appropriation for each head of expense in accordance with the provisions of the amended charter.

Estimate of Receipts from the 2d Tuesday of May, 1833, *to the 2d Tuesday of May*, 1834.

Commutation of Alien Passengers,		$25,000 00
Cleaning Streets,		28,000 00
Courts,		2,200 00
Charges on Arrears of Assessments and Taxes,		900 00
Docks and Slips,		2,000 00
Fire Department,		1,500 00
Interest Account,		5,000 00
Justices' Courts,		9,000 00
Lien on Lots,		4,000 00
Lottery Office Licenses,		3,000 00
Mayoralty Fees,		1,600 00
Police,		4,000 00
Penalties,		1,200 00
Rents,		100,000 00
Streets,		240,000 00
Taxes of 1832, balance,	$105,000	
" " 1833,	775,000	880,000 00
Arrears of Taxes of former years,		4,000 00
Tavern and Excise License,		29,000 00
Vendue Sales,		10,000 00
Wells and Pumps,		1,500 00
		$1,351,900 00
Bonds Payable—Amount of loans to be made on Bonds,		193,857 56
		$1,545,757 56

Estimate of Payments from the 2d Tuesday of May, 1833, to the 2d Tuesday of May, 1834.

Alms House, Bridewell and Penitentiary,	$146,000 00
Board of Health,	6,000 00
Bonds Payable,	316,000 00
Charities,	5,000 00
Charges on Arrears of Assessments and Taxes,	1,000 00
Cleaning Streets,	80,000 00
Commutation of Alien Passengers,	100 00
County Contingencies,	26,000 00
Courts,	27,000 00
Docks and Slips,	80,000 00
Elections,	4,500 00
Fire Department,	15,000 00
Interest Account,	55,000 00
Intestate Estates,	1,250 00
Justices' Courts,	13,500 00
House of Refuge,	9,000 00
Lamps and Gas,	86,000 00
Lands and Places,	3,500 00
Levying Tax,	7,000 00
Lottery Office Licenses,	3,000 00
Markets,	10,000 00
Mayoralty Fees,	150 00
Old Alms House—Fitting up Door and Stoop and Cistern,	1,000 00
Old Debtors' Jail,	10,000 00
Public Schols,	86,657 56
Public Reservoir and Pipes,	58,000 00
Police,	16,500 00
Carried over,	$1,067,157 56

Amount brought over,	$1,067,157 56
Printing and Stationary,	7,000 00
Repairs and Supplies,	18,000 00
Roads,	25,000 00
Salaries,	40,000 00
Streets,	250,000 00
Street Expenses,	25,000 00
Tavern and Excise Licenses,	1,600 00
Watch,	106,000 00
Wells and Pumps,	6,000 00
	$1,545,175 56

In compliance with the annexed resolution, the Comptroller respectfully presents herewith, Statements of the Estimated Receipts and Payments from the second Tuesday of May, 1833, to the second Tuesday of May, 1834.

The Statement of Payments is prepared in conformity with the views of the mover of the aforesaid resolution, without other reference to the proceedings of the previous Common Council in relation to their sundry appropriations, (either general or special,) than as to the amounts, which are believed to be covered by the present estimate.

The other information required by said resolution has not yet been obtained,—it shall be, however, as soon as practicable, and communicated the first opportunity, by

T. J. WATERS,
Comptroller.

New York June 3, 1833.

The Finance Committee, to whom was referred the report of the Comptroller, with an estimate of the probable receipts and expenditures of the ensuing financial year,

REPORT,

That in accordance with the provisions of the charter, which declares that annual appropriations shall be made by proper ordinances, for every branch of city expenditure, they have prepared an ordinance embracing all the general heads of expense, and as many of the special objects as their information would enable them to learn, had been regularly ordered by their predecessors in office. They have also included in said ordinance, some necessary duties to be performed by the Comptroller, in order that the spirit of the charter may not be lost sight of by neglect or inadvertence.

The Committee presume that the duty of the Common Council to make annual appropriations, will not be disputed ; nor do they think it will be seriously contended that, because the charter authorises occasional appropriations, therefore the annual may be omitted. The authority to make occasional appropriations, as the Committee contend, only extends to special objects of expense, such as may arise on a sudden emergency, or to provide for a general appropriation that may have been exhausted.

The propriety of these annual estimates and appropriations, at the commencement of each and every fiscal year, has been admitted by the practice of every regular government in our country, whether it be state, town, or city. It is thus that the Comptroller of the State makes his annual exhibit to the Legislature of the receipts and expenditures of the past year,

and his estimate of the receipts and disbursements of the ensuing year, showing the ways and means of the government to meet the expense that will accrue; upon which is annually founded what is termed the supply bill, making provision for every branch of the expenses of the government, both ordinary and extraordinary.

If reference be had to our sister cities of Boston, Philadelphia, Baltimore, &c., it will be found that the same practice prevails, and in all of them, is deemed indispensable to good government.

It appears by the Comptroller's exhibit of the receipts and disbursements of the ensuing financial year, that although the tax has been increased to an unusual amount, the receipts will still fall short of the disbursments, $193,857 56.

The cause of this deficiency in the revenue is the very large sums that will have to be paid during the ensuing fiscal year, for the extensive projects of improvement ordered by the late Common Council, amounting on a moderate calculation, to $250,000, together with a large amount in outstanding bonds, which ought to be provided for from the tax of 1833.

This being the state of the finances, should any expenditure be ordered not provided for by the ordinance accompanying this report, the means to defray it must be by a loan encroaching upon the revenues of the ensuing year.

Whether the Common Council can legally borrow on the strength of taxes to be collected after the expiration of the term for which they were elected, is a question worthy of consideration. The words of the charter are, "the Common Council shall not have authority to borrow any sums of money whatever, on the credit of the Corporation, except in anticipation of *the revenue of the year in which such loan shall be made.*" If the correct construction of this prohibition is, that no money can be legally borrowed by the Common

Council, except in anticipation of the taxes collectable during the fiscal year of the same Common Council, then all sums borrowed, to be paid by taxes collectable in the next succeeding year, must be illegal.

The Committee hope however, that there will be no necessity to resort to this alternative, as the provision made by the very liberal appropriations in the ordinance, is sufficient to cover every anticipated expense of the year, and they have good reason to be assured, that the members of this Board, consider it their duty, under present circumstances, to exercise a due economy in the public expenditure.

The Committee recommend therefore, that the ordinance they herewith submit, may be passed into a law, in order that the Comptroller may act upon it, in arranging his accounts for the fiscal year ensuing.

Respectfully submitted.

STEPHEN ALLEN,
D. McCARTHY.

A LAW

MAKING APPROPRIATIONS FOR THE EXPENSES OF THE FINANCIAL YEAR OF THIS PRESENT COMMON COUNCIL.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :—

1st. To defray the expenses of the City and County of New York, for the financial year of the present Common Council, which commences on the second Tuesday in May, 1833, and closes on the second Tuesday in May, 1834, the following sums be, and the same are hereby appropriated, namely :—

Alms House, Bridewell, and Penitentiary,	$146,000 00
Board of Health,	6,000 00
Bonds Payable,	316,000 00
Charities,	5,000 00
Charges on Arrears of Assessments and Taxes,	1,000 00
Cleaning Streets,	80,000 00
Commutation of Alien Passengers,	100 00
County Contingencies,	26,000 00
Courts,	27,000 00
Docks and Slips,	80,000 00
Elections,	4,500 00
Fire Department,	15,000 00
House of Refuge,	9,000 00
Carried over,	$716,600 00

Amount brought over,	$716,600 00
Interest Account,	55,000 00
Intestate Estates,	1,250 00
Justices' Courts,	13,500 00
Lamps and Gas,	86,000 00
Lands and Places,	3,500 00
Levying Tax,	7,000 00
Lottery Office Licenses,	3,000 00
Markets,	10,000 00
Mayoralty Fees	150 00
Old Alms House,	1,000 00
Old Debtors' Jail,	10,000 00
Public Schools,	86,657 56
Public Reservoir and Pipes,	58,000 00
Police,	16,500 00
Printing and Stationary,	7,000 00
Roads,	25,000 00
Repairs and Supplies,	18,000 00
Salaries,	40,000 00
Streets,	250,000 00
Street Expenses,	25,000 00
Tavern and Excise Licenses,	1,600 00
Watch,	106,000 00
Wells and Pumps,	6,000 00
	$1,545,757 56

2d. The Comptroller shall draw no Warrant on the Treasurer, except for the object for which the money to be drawn by such Warrant was appropriated; and he shall in no case exceed by his drafts, the sum appropriated. In the event of an appropriation being exhausted, he shall give notice of the fact to the Common Council, with a statement of the sums

which have been drawn on such exhausted appropriation, and for what particular purpose drawn; and, as far as practicable, the reason of its deficiency. He shall also state the additional amount that he may deem necessary to be appropriated, in order to complete the disbursements for the year, of that specific head of expenditure.

3d. The Comptroller shall annually prepare an estimated calculation of the probable receipts and disbursements of the financial year of the Common Council, and report the same to both Boards on the second Tuesday in May, annually, immediately after the said Boards shall have been organized.

4th. It shall be the duty of the several and respective departments on the requisition of the Comptroller, to furnish him with a detailed estimate of the sums required for each distinct object of expenditure under their supervision, in order that the annual appropriations may be made for the current expenses of the year, in accordance with the 18th section of the "Act to amend the Charter of the City of New York," passed April 7th, 1830.

5th. The Comptroller shall, in the month of December, annually, report to the Common Council, an estimated calculation of the probable amount of tax that may be required for the ensuing financial year, in order that application may be made to the Legislature for authority to raise such sum as the Common Council shall deem proper and necessary.

6th. It shall be the further duty of the Comptroller, to cause the annual publication to be made, which is required by the 20th section of the "Act to amend the Charter of the City of New York," passed April 7th, 1830.

DOCUMENT NO. V.

BOARD OF ASSISTANTS.

JUNE 10, 1833.

Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

A LAW

TO ORGANIZE THE BOARD OF HEALTH.

§ 1. Be it ordained by the Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, that the person holding the office of Mayor, and the persons holding the offices of Aldermen and Assistant Aldermen of the said city, for the time being, and their successors in office respectively, be, and shall be, and they are hereby constituted and appointed members of the Board of Health.

§ 2. The Mayor shall be President of the Board of Health.

§ 3. Whenever there shall be a vacancy in the office of Mayor,—or the Mayor shall be absent from the City,—or prevented by sickness or any other cause, from attending the Board of Health, the President of the Board of Aldermen shall act as President of the Board of Health.

§ 4. Seven members, of which the Mayor shall be one, shall constitute a quorum to transact any business relating to the public health. If the Mayor shall be absent for any of the causes mentioned in the third section, the President of the Board of Aldermen shall be one of such quorum, and shall preside: but no appropriation of any money shall be made, unless the majority of all the members of the Board of Health shall be present.

§ 5. In case the Mayor shall, from any cause, be unable to attend to his duties as a health officer; and if the President of the Board of Aldermen shall also be unable to attend, a majority of all the members of the Board of Health shall be requisite to form a quorum, and may choose one of their own number as President for the time being.

Upon which Mr. Van Wyck offered the following Ordinance, as an amendment:

"Be it ordained by the Mayor, Aldermen and Commonalty of the City of New York, that hereafter the Board of Health for the City and County of New York, shall consist of the Mayor and ten members; three shall be elected from the Board of Aldermen, and an equal number shall be elected from the Board of Assistants, and that the remaining four shall be elected from the Citizens generally, by the Common Council."

Referred to Committee on Laws, and Applications to the Legislature.

The Committee on Laws and Applications to the Legislature, to whom was referred "A Law" from the Board of Aldermen, "to organize the Board of Health," beg leave to

REPORT,

That the Board of Health being designed principally for executive duties—the great object to be attended to in its formation is the efficiency of its operations. Universal experience, however, proves that a few persons can act more promptly, and with more effect than many; the Committee would, therefore, recommend, that in future the Board of Health shall consist, not of thirty-one, but of eleven persons,—the Mayor, and five members of the Board of Aldermen, and five members of the Board of Assistants; and in conformity with this recommendation, the Committee report the following ordinance.

J. AUG. SMITH,
STEPHEN ALLEN,
DENNIS McCARTHY.

A LAW

FOR THE ESTABLISHMENT OF A BOARD OF HEALTH.

The Mayor, Aldermen and Commonalty of the City of New York, do ordain as follows:

1st. The Board of Aldermen shall select five persons from their own body, and the Board of Assistants shall select five

persons from their own body, which ten persons, thus selected annually, shall, with the Mayor of the City, constitute the Board of Health of the City and County of New York.

2d. The said Board is hereby invested with all the powers of the Common Council of the said City, with regard to the public health of the City, to be exercised by the said Board of Health in such manner as in their judgment and discretion may best promote the important object committed to their charge.

3d. The said Board of Health shall assemble at such time and place, and as often as they may judge proper, to superintend and carry into effect all laws and ordinances of the State and Common Council, which at present exist, or may be hereafter passed, respecting pestilential and infectious diseases, and the public health generally.

4th. It shall be the duty of the City Inspector to observe such instructions as may be given to him by the Board of Health, and he shall also execute the several orders and resolutions of the said Board.

DOCUMENT NO. VI.

BOARD OF ASSISTANTS.

JULY 15, 1833.

Report of the Comptroller on Contracts made by the late Common Council. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Resolved, That the Comptroller report to this Board a statement of all the contracts or orders made, directed, or authorised by resolution or ordinance of the late Common Council, for the working, regulating or MacAdamizing any roads or avenues; building docks, markets, or other public erections; laying conduit pipes, erecting lamp posts for gas lights, or any other matter out of the ordinary line of expenditure, not now completed and paid for, the expense of which, or any part thereof, is to be paid from the City Treasury; and the amount, whether in part or in whole, still to be paid.

The Comptroller respectfully reports to the Board of Assistants—That for the purpose of obtaining the information

sought for by the annexed resolution, of (Mr. Allen,) he furnished a copy thereof to the City Inspector's Department, to the Fire and Building Department, and to the Street Commissioner's Department, requesting from each such information as the Departments respectively could supply.

He now presents the several statements as received from each of the said Departments, and as fulfilling, (as far as practicable,) the requirements of the said resolution.

Respectfully submitted by

T. J. WATERS,

Comptroller.

New York, June 17, 1833.

The Finance Committee, to whom was referred a Report from the Comptroller, with accompanying Documents, on the subject of disbursements necessary to be provided for, in order to meet the expense of certain orders and resolutions of the Common Council of the last year,

REPORT,

That they feel it their duty to state, that the Comptroller has not received that correct and prompt information from all the Departments applied to, which, in their opinion, he had a right to expect. In compiling the documents accompanying this report therefore, he has been compelled to rely upon other sources of information, or upon his own judgment, in arriving at a conclusion on the several matters of information requested of him.

It is evidently in the spirit, if not the letter of the amended charter, that before any project of improvement shall be entered upon, an estimate of the expense must be made, in order that the necessary means may be provided for carrying it into effect; and the proper source of information is the several departments of the city government. If the members of a department collectively, do not possess the necessary information, it is their duty to obtain it from other sources within their reach, and thus furnish as correct an answer to the requisitions as practicable.

For the want of this information in part, as will be seen by the following summary of the documents, reliance has had to be placed upon the judgment of the Comptroller, assisted by that of the Committee, in several instances.

No. 1 is an estimate from the Street Commissioner's Department, containing full information as requested by the

resolution, of the expense of sinking bulkheads, building piers, surveys, and regulations in the Twelfth Ward, and completing the work on the Third Avenue; all which was ordered by the late Common Council, and amounts to $75,989 78.

No. 2 contains all the information which could be obtained from the Commissioners of the Fire and Building Department. In this estimate there ought to have been included the buildings ordered to be erected on the Long Island Farm, and the mason work and materials for completing the Record Office; the first of which has been estimated by the Committee at $4,000, but which, it now appears, has been contracted for at $4,858. The Record Office they have estimated at $10,000. The document amounts, excluding these sums, to $55,518 92. Of which sum there has been paid $2,375 48, leaving $53,143 44.

No. 3 contains in like manner, all the information which could be obtained from the City Inspector's Department. In answer to the first call upon this officer, he stated he had no other contract than two hundred gas lanterns, at $2 50 each, amounting to $500. On a subsequent call, however, he stated two hundred and fifty-four iron posts, which, with fixtures, &c., would cost $25 each, or $6,350 for the whole, making a total of $6,850. It would seem, as the Committee think, that this estimate has not been made in accordance with the number of feet ordered to be lighted, but barely for the number of posts and lamps he has contracted for;—thus it appears, he has contracted for two hundred lamps, and two hundred and fifty-four iron posts: but why there is fifty-four posts wanted more than lamps is not explained. The Committee are of opinion, that a considerable number of lamps and posts will be required to light the streets ordered more than those set down by the City Inspector. They have subjoined an estimate made by an officer of

the New York Gas Company, amounting to $14,124 45. This however, comprises more streets than have passed both Boards; but as the Committee think the cost will exceed that estimated by the City Inspector, they have deemed it safest to state the sum at $20,000.

No. 4 is a general statement, and includes the aforesaid sums, together with several items of expense growing out of unfinished orders on some objects, and increased expense on others, all of which were directed by the late Common Council, as the Committee are informed, and are as follows:

For completing the middle building of the Penitentiary on Blackwell's Island, - -	$6,000 00
A third building on the Long Island Farm, -	4,000 00
Extra expenses of the Board of Health, - -	3,500 00
House of Refuge, in aid of erecting a building for colored children, - - -	5,000 00
Mason work, and materials for completing the Record Office, - - - -	10,000 00
Revising the Laws of the State, relative to the City, still unpaid, - - - -	1,934 29
Additional interest on money borrowed by the late Common Council, - - -	20,000 00
Additional expense in cleaning the streets of the City, - - - - -	50,000 00
Extras not enumerated, - - -	4,500 00
Making a total of	$254,067 51

Before closing this report, the Committee beg leave to observe, that it has appeared to them, if the spirit and intention of the amended charter had been attended to, much of the expenditure comprised in the foregoing exhibit would not have been ordered. A principal and paramount object of the amended charter is to keep the expenditure of the Common Council within its means; and therefore it is that pro-

vision has been made, that every act recommending a specific improvement, involving the expenditure of the public money, shall be published, with the names of those who vote for and against the measure : and the Common Council are forbid borrowing any money exceeding the revenue of the year. It appears, however, that the outstanding bonds of the last year amount to about $300,000 more than those of the year previous ; and it is a question therefore, whether an excess has not been borrowed beyond the revenue, and this wholesome provision of the charter neglected.

It is the opinion of the Committee, that the only corrective for this state of things, is the annual appropriation of the means of the Corporation to specific and necessary objects, and the confining of the expenditure to those objects, except in extraordinary cases, which must be provided for, if the means are not possessed, by additional taxes.

If this plan had been pursued, the Committee are of opinion, that the present state of the finances would not have existed ; for they cannot be led to believe that any Common Council, possessing the information that the means of the Corporation were exhausted, would still vote an expenditure of more than $250,000, without the necessary provision for discharging the debt. If the late Common Council had commenced by making the annual appropriation for the fiscal year, as already enjoined by the amended charter, and $40,000 had been appropriated for Docks and Slips, which is a larger sum than usual for that object, and the Committee on Wharves and Piers had reported in favor of building additional docks, the cost of which would be $59,739, as was the fact, would it not be immediately perceived by every member of the Common Council, possessing the knowledge of the sum appropriated to this object, that there was an expenditure recommended of near $20,000 more than the sum set apart for the purpose ?

This would probably lead to a call upon the Comptroller to

ascertain the amount still unexpended of the original sum; when it might appear, that the one half of the annual appropriation was exhausted, and therefore if the report of the Committee was concurred in, at least $40,000 of the expense must be provided for from extra sources.

The Committee are of opinion, that under such circumstances, any Common Council would hesitate, and not leave, as in the present instance, their successors to carry into effect their orders, to be disbursed from the revenue of the succeeding year.

It only remains for the Committee to state, that the disbursement of the sums contained in the foregoing exhibit, has been provided for in the ordinance making the appropriations for the fiscal year, which ordinance has passed this Board, and been sent to the Board of Aldermen for their sanction.

The Committee propose the following resolution:

Resolved, That the foregoing report be printed, in order that it may be placed on the files of the members of both Boards.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH.

No. 1.

DOCKS AND SLIPS.

Pier, at the foot of Jefferson street,—		
Contract, - - -	$5,500	
Amount paid under the previous Common Council, -	2,750	$2,750 00
Pier, at the foot of North Moore street,—Contract, - -		10,773 00
Bulkhead and Filling in near Fort Gansevoort, Estimated Cost, and amount Appropriated, - - -		39,620 58
Bulkhead and Sewer, at Peck Slip, - - - -	3,346 20	
Filling in, - - -	500 00	3,846 20
		$56,989 78

SURVEYS, &c.

For the Regulating of the Twelfth Ward,	4,000 00

THIRD AVENUE.

For completing the Regulation and MacAdamizing, -	15,000 00
Street Commissioner's Department,	$75,989 78

No. 2.

WATER PIPES AND CASTINGS.

AMOUNT DUE ON FORMER CONTRACTS, VIZ:

To Mark Richards, of Philadelphia,	$7,500	
J. Ellicott and Sons, of Baltimore,	1,350	$8,850 00

PRESENT CONTRACTS WITH

Mark Richards for 6,300 ft 12 in pipe at	$2 00	12,600	00
216 " 4 " "	0 60	129	60
J. Ellicot & Sons, 5,280 " 12 " "	2 00	10,560	00
2,000 " 10 " "	1 75	3,500	00
1,000 " 3 " "	0 45	450	00

CASTINGS, BRANCHES, &c., FOR THE

Hudson street Line, - - - - -	4,066 98
Pearl street Line, - - - - -	3,432 69
Essex street Line, - - - - -	2,336 42
	$45,925 69

FITTING UP AND FURNISHING SUNDRY ROOMS, &c. &c. viz:

Governor's Room, - - -	$521 12
Judge Edwards' Room, - -	138 21
Mr. Martling's Room, - -	68 26
Mr. Skellorn's Room, - -	61 07
Vice Chancellor's Court Room, -	530 56

Common Pleas do. -	424 90	
Aldermen's Council Chamber, -	69 00	
Assistants' do. -	43 00	
Mayor's Office, - - -	219 44	
Clerk of Common Council's Office,	588 39	
Do. Board of Assistants' do.	164 32	
Do. Superior Court's do.	44 75	
Do. County do. do.	56 85	
Committee Room at Old Alms House,	218 75	
Offices in the Old Jail, or Record, Hall, - - - -	1,437 21	
		4,585 83
For Completing the Old Jail, -		3,700 00
" Building Cistern in rear of Old Alms House,		77 40
" Engine House in Walnut street, for No. 17,		480 00
" New Engine for Company No. 11,		750 00
Commissioners of Fire and Building Department,		$55,518 92

No. 3.

GAS LAMPS OR LANTERNS.

200 Contracted for at $2 50 each, - - $500 00

GAS LAMP POSTS AND FIXTURES FOR STREETS, ORDERED TO BE LIGHTED WITH GAS.

Hudson street,	52		
Chambers street,	22		
Warren street,	21		
Murray street,	21		
Greenwich street,	59		
Park Place,	6		
Broad street,	41		
Bridge street,	11		
Barclay street,	21		
	254 Posts at $25 each,		$6,350 00
City Inspector's Department,		-	$6,850 00

Copy of a Document received from an Officer of the New York Gas Light Company.

	Lbs.	Gas Lamps	Posts.		
Philadelphia,	400	70	12.50	Lamps, &c,	$27 87
Baltimore,	450	"	14.66	"	29 43
					$57 30
				Average,	$28 65

STREETS TO BE LIGHTED.

	Feet.
Bridge street,	850
Broad street,	2,000
Hudson street,	3,000
Chambers street,	2,100
Warren street,	2,000
Murray street,	1,200
Frankfort street,	1,500
Cherry street,	7,400
Canal street,	3,500
Park Place,	500
	24,650 feet, the Lamps at 100 feet apart on the same side, will require 493 Lamps and Posts, at $28 65, - $14,124 45

Locust Lamp Posts will cost, according to proposals made to City Inspector, $10 each, saving $1,371.

No. 4.

Pier at the foot of Jefferson street, - -		$2,750 00
do. do. North Moore street, -		10,773 00
Bulkhead and Sewer at Peck Slip, - -		3,846 20
Do. and filling in, on West street, near Fort Gansevoort, - - - -		39,620 58
Surveys and Profiles for the Permanent Regulation of the Twelfth Ward, - -		4,000 00
Completing the Third Avenue, - -		15,000 00
Middle Building on Blackwell's Island, estimated to cost about	$12,000	
On Account of which there has been paid,	6,000	6,000 00
A third building on the Long Island Farms, estimated to cost about - - -		4,000 00
Board of Health—estimated at -	$6,000	
The ordinary Expenditure seldom reaches,	2,500	3,500 00
House of Refuge,—to aid in erecting another Building for Colored Children, - -		5,000 00
Old Debtors' Jail will require to complete it, probably - - - - -		10,000 00
Laws of the State relative to the City, for compiling them, Printing, &c., a balance of		1,934 29
Interest Account,—in consequence of the large Amount Bonds remaining paid from last year, will be increased in the sum, most probably of - - -		20,000 00
Cleaning Streets, under the previous law, from January to June, the Receipts and Payments were nearly equal ; from that time		

to the 31st December, inclusive, the Payments exceeded the receipts, in the sum of $28,700, at which rate the present year's extra expense will amount to about	50,000 00
For Water Pipes, and expenses of laying them down, there is unexpended of the appropriation made by the previous Common Council, a balance of - - -	53,143 44
For Lamps and Gas.—There are a number of streets named in the List furnished by the City Inspector's Department to be Lighted with Gas, which will probably amount to $14,000, and as there are some streets not named therein, it would, perhaps, be most safe to estimate the extra amount required at - - - -	20,000 00
Repairs and Supplies, will be increased by the extra Fittings up and Furnishing, about -	4,500 00
	$254,067 51

DOCUMENT NO. VII.

BOARD OF ASSISTANTS.

JULY 15, 1833.

Report of the Committee on Wharves, and Public Lands and Places, relative to Bulkhead in front of public property from Twenty-third to Twenty-eighth street. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Committee on Wharves, and Public Lands and Places, to whom was referred the annexed communication from the Street Commissioner, in respect to building a Bulkhead in front of the public property, extending from Twenty-third to Twenty-eighth street, beg leave to

REPORT,

That they have attentively examined the subject, and given to it that full consideration which its magnitude and importance demand.

The property owned by the city extends from Twenty-third street to Twenty-eighth street, containing all the different branches of the Bellevue establishment, and possesses a very extensive front on the East River, along which has formerly been built, at or near the line of low water, from Twenty-third to Twenty-fourth street, a stone wall, and from Twenty-fourth to Twenty-eighth street, a wooden bulkhead, leaving outside thereof a considerable flat of very shallow water, which lying in a cove, has become the receptacle of large quantities of butchers' offals, daily thrown from the wharf at the foot of Twenty-third street, and which by the action of the flood tide are cast all along the shore, and there remain putrifying, and emitting the most offensive smells. This is in itself, an evil of a very serious nature, and calls most emphatically for a permanent remedy. The building of the bulkhead in question, by covering the flat and altering the set of the current, will effectually answer this purpose.

But there are other considerations connected with this subject, (independent of the correction of the before-mentioned shocking nuisance,) which, in the opinion of your Committee, have a very powerful bearing on the subject.

The bulkhead now built there, is in a decayed condition, having been erected about eighteen years ago, and will ere long, require extensive repairs : hence the question arises, is it not better—much better—to expend money in a new erection in a suitable position, than on an old and decayed structure, which, at the utmost, can last but a few years longer, and the repairs of which will be continually an increasing charge ?

If the subject be viewed in a pecuniary light, relatively, as to the cost of building the bulkhead, and filling the same with earth, and compared with the market value of the land when made, your Committee are fully of opinion, that it will

be a profitable investment, and will most abundantly repay the sums disbursed in the undertaking.

The soundings taken by direction of the Street Commissioner, on the line on which he proposes the bulkhead to be built, and which extends in a direct course from the extremity of the present wharf on Twenty-third street, to the northerly corner of the wharf at Twenty-eighth street, show a depth of water from 18 to 22 feet, which is entirely sufficient for all useful purposes; and the make of the adjacent land both above and below, is such, that by the action of the ebb tide, the bottom will always be swept clean, and no deposit of mud can be formed.

Your Committee are fully impressed with the probable advantages to be derived from the proposed measure, and also believe the present to be a favorable time for the undertaking, as the timber market is now supplied, and likely to be abundant throughout the season; and the facilities for procuring earth and stone from the excavations now going on in the neighborhood, are quite considerable, and might be made use of to much advantage.

Yet notwithstanding, as the subject is of much weight and moment, and will involve the outlay of a very considerable sum of money, your Committee are desirous of proceeding with caution and deliberation; and as the estimates received during the last year, cannot be supposed now to be binding on those who then offered, they have deemed it most expedient, previous to proposing any definitive measure, to direct the Street Commissioner to advertise anew, for proposals for building the bulkhead, and offer the following resolution:

Resolved, That the Street Commissioner advertise for proposals for building a bulkhead in the East River, in front of the public property; to extend from the centre of Twenty-third street, to the northerly side of Twenty-eighth street, and being about thirteen hundred feet in length; which proposals,

when received, shall be by him reported to the Committee of Wharves, and Public Lands and Places, of this Board.

DAVID HALSEY,
FRANCIS FICKETT,
JOHN C. TUCKER.

DOCUMENT NO. VIII.

BOARD OF ASSISTANTS.

JULY 15, 1833.

Report of the Finance Committee on appropriating $4,858 *to erect Buildings on Long Island Farms. Laid on the table and ordered to be printed for the use of the members.*

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a report from the Special Committee of the Board of Aldermen, on Blackwell's Island, and the Long Island Farms, recommending an appropriation of $4,858 for erecting an additional building on the said Long Island Farms,

REPORT,

That the Committee alluded to, in their report to the Board of Aldermen, state that just at the close of the political year, their predecessors in office entered into a contract with

Topping and Price, for erecting the aforesaid building, and that the said Committee derived their authority from the following resolution:

"*Resolved*, That the Commissioners of the Alms House be authorised to erect one or more frame buildings on the Long Island Farm, for the accommodation of the female children; also, a building of wood, to be erected for a Hospital, but which is not to be used as an Opthalma Hospital." Referred to the Joint Special Committee on Blackwell's Island, &c., and Commissioners of the Alms House, *with power*.

The reference then, as your Committee understand it, is with power to decide whether the resolution shall be carried into effect or not; and when that question was decided in the affirmative, the Special Committee had spent their powers, and the burden of the business devolved on the Commissioners of the Alms House. But it appears the Committee of the Board of Aldermen have construed the resolution as giving them the power, not only to decide whether the resolution shall be carried into effect, but also, to enter into contracts—and in fact—to consummate the whole of the power delegated by the resolution. If their construction is correct, they are authorised to erect *one or more* buildings on the Long Island Farm, and the one now in progress is the third erected under the aforesaid authority.

Who the Committee of the late Common Council were, that exercised the authority conferred by this resolution, we have not deemed it necessary to inquire, for be they who they may, we think it improper, under any circumstances, to extend to a Committee, powers, which ought to be exercised by none except the Common Council itself, or by the departments by them appointed. In accordance with the construction of the Special Committee, there may be one, or one hundred buildings erected by them, without the inter-

vention of the Common Council, except to provide the means for carrying into effect this extensive power.

The contract for the additional building, now under consideration, it is said, was entered into by the Committee of the last year; and the charter expressly prohibits every member of the Common Council from being, either directly, or indirectly, interested in any contract the consideration whereof is to be paid from the City Treasury. It appears, however, Mr. Thomson Price, a member of the late Board of Assistants, is one of the contractors for erecting the building alluded to,—which is in direct violation of the charter. But the date of the contract is the 25th of May, 1833, and therefore, must have been executed since the present Common Council came into office; and if this is so, how shall we understand the language of the report made to the other Board, that "on examination they (the Special Committee) find, that a similar Committee of the late Common Council, just at the close of the political year, had entered into a contract with Topping and Price, for the erecting and completing a centre building 25 by 100 feet, and two stories high."

Your Committee presume, the explanation is, that the advertising for estimates and deciding who should be the builders, was performed by the Joint Committees of the late Common Council; while the executing of the contract was under the direction of the Special Committee of the Board of Aldermen; for it appears, that the estimates of the builders are dated the 27th of April, 1833, seventeen days before the present Common Council took their seats, while the contract is dated the 25th of May, eleven days after they took their seats. So that, on the 27th of April, while Mr. Price was a member of the Common Council, the Special Committee enter into a verbal contract with him, for erecting the building alluded to, which contract is reduced to writing, and executed on the 25th day of May thereafter. To say the

least of this transaction, in the opinion of your Committee, it evades the express prohibition of the charter.

It also appears, that this contract is not with the Commissioners of the Alms House, but with Mr. Cox, the Superintendent, who is not a Commissioner, or comprehended in the terms of the resolution; and if the Committee are correctly informed, the Commissioners have not been consulted, either on the necessity, or propriety of erecting this additional building. In proof of this fact, the Committee annex a letter, of the 4th of May last, from the Clerk of the Commissioners, stating, at the request of one of them, that the buildings to be erected on the Long Island Farms, are under the direction of the Special Committee of the Common Council, which Committee advertised for proposals, and have already made the contracts for their erection. The Commissioners of the Alms House have had no control over it.

Acts like these, as the Committee believe, are contrary, both to the spirit and letter of the charter, the whole object of which is to prevent improvident expenditure, by directing that no money shall be drawn from the Treasury, except it be appropriated to the object for which it is drawn. The charter, therefore, contemplates, the first step before making an expenditure, to be an attempt to ascertain the cost: for how can an appropriation be properly made unless it is known what sum will be required. The second, to decide on the question of entering upon the improvement or not, for until the cost is known, no judicious vote can be given on the subject;—and the third is to provide the means, by an appropriation, before any debt is contracted. Instead of which, by the operation, in the instance under consideration, buildings unlimited are authorised, without any estimate of the cost whatever, and a debt incurred without an appropriation to meet it.

If the public business is to be conducted in this manner,

of what beneficial use are the executive departments of the City Government? And if an ordinance or resolution, authorising one of these departments to perform a certain act, which being referred to a Committee, with power, and if such Committee may assume the whole authority themselves, without even consulting the department, who, in law, are intended to be the responsible parties, of what force or effect is a resolution or ordinance of the Common Council, thus executed?

This whole business has been conducted with so much irregularity, that the Committee are at a loss what to recommend to the Board on the subject. They will not charge the Committee who have consummated these transactions, with improper intentions; they do not harbor a thought that the motive was any thing but proper, arising, as they believe, from a misapprehension of the letter of the law, and the true tenor and purpose of the resolution, under which they acted; but the Committee, nevertheless, consider the precedent a dangerous one, and that it ought, therefore, be discountenanced by this Board.

It appears the building is in progress, being partly completed, and the contractors are entitled to the payments stipulated in the contracts, some of which are now due; and although, under other circumstances, the Committee might deem it their duty to report against the appropriation recommended by the other Board, they feel disposed, as the matter now stands, to acquiesce in the resolution of the Board of Aldermen, under a firm persuasion, that a similar irregularity will not be repeated under the present Common Council.

The Committee are decidedly of opinion, however, that a resolution granting such unlimited power, as the one under consideration, ought not to exist: and they therefore recommend its repeal; and that hereafter, no improvement ought

to be permitted or contracted for, until an estimate and plan shall be submitted to the Common Council, for their approval.

They offer the following resolutions :

Resolved, That this Board do concur in theresolution passed by the Board of Aldermen, appropriating $4,858 for completing the building now in progress on the Long Island Farms.

Resolved, (If the Board of Aldermen concur,) that the resolution passed by the Common Council, on the 11th of August, 1832, authorising the Commissioners of the Alms House to erect one or more buildings on the Long Island Farms, be, and the same is hereby repealed.

Resolved, (If the Board of Aldermen concur,) that hereafter, no improvement or expense, not appropriated for by the ordinance making appropriations for the expenses of the financial year of this Common Council, shall be considered as authorised or allowed ; nor shall any appropriation for such improvement or expense be made, until an estimate of the cost of such improvement, and if required, a plan of the same, shall be submitted to the Common Council, and be by them adopted.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH.

STEPHEN ALLEN, Esq.

SIR,

Alderman Roosevelt has requested me to inform you that the buildings to be erected on the Long Island Farms, are under the direction of the Special Committee of the Com-

mon Council, which Committee advertised for Proposals, and have already made the contracts for their erection.

The Commissioners of the Alms House have had no control over it.

Yours respectfully,

JOSIAH MANN.

May 4, 1833.

DOCUMENT NO. IX.

BOARD OF ASSISTANTS.

JULY 22, 1833.

Report of the Committee on Police, Watch and Prisons, relative to making additional provision for persons under detention. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Committee on Police, Watch and Prisons, to whom was referred the resolution directing "an inquiry into the necessity of making some additional provision, for persons under detention either for further examination or for trial," beg leave to

REPORT,

That of all parts of the city government, the prison system is doubtless the one which most imperiously requires revision and amendment. Ever since the demolition of the old State

Prison, a destruction of public property altogether unparalleled in the civil annals of our country, there is not, and has not been, sufficient accommodation for persons coming under the cognizance of our criminal tribunals. Individuals, however, of this description, are too numerous to be embraced with advantage in a single report; the Committee, therefore, confining themselves to the letter of the resolution under which they are acting, will restrict their remarks and their recommendations to those who are detained to have their cases further investigated, or who, having been examined, are committed for trial. But this division is adopted simply with a view to a more lucid arrangement of their facts and reasonings, since the conclusions at which the Committee have arrived, apply alike to both these classes of persons. With the former of them they will commence.

It will unavoidably happen that persons are carried to the Police Office for every grade of offence, from mere insubordination, to piracy and murder. A master becomes dissatisfied with his apprentice for being idle and refractory, and the boy continuing stubborn, is sent to Bridewell; the master, thinking a little confinement is all that is necesssary to improve his habits or subdue his temper, takes care, by not calling at the office, to leave him in durance for a few days. Here then there has been no breach of moral law,—an intractability of disposition is the sum total of the offence,—and yet, upon the present system, such a boy not only becomes degraded in his own estimation, by the society in which he is forced, but he is placed in the condition above all others best calculated to quicken or to foster any propensity to evil which may unfortunately exist in his mind. If it be important then, that the less guilty should not be further depraved, by intercourse with the more vicious, it is certainly of vastly more consequence that those who are as yet uncontaminated should not be tainted and destroyed through the agency

of public institutions. The Committee, therefore, esteem it the bounden duty of the city councils to provide separate apartments for those who, having violated no rule of ethics, have simply infringed upon some wholesome, but merely legal regulation.

Next come those who are charged with offences more or less serious, but who are thus charged upon slight, or possibly, upon circumstantial evidence alone. Now it may happen to any person to be involved in suspicion by events over which he has no control. Those who are known can, indeed, give bail; but what is to become of the friendless stranger? He has, perhaps, put up at a house of good repute, a trunk has been broken open, and he is suspected, seized, and locked up with the vilest criminals, before the affair can be fully investigated; when it is, he is found guiltless and discharged. But what must be the feelings of an innocent and sensitive man while thus situated, and associating with the ordinary inmates of a prison? And let it not be supposed that this is a picture drawn from fancy: such an occurrence has recently taken place in this city, and may obviously happen at any time. It is true, indeed, that for these cases, so far as they are entirely fortuitous, there is no remedy, but let not unmerited sufferings be aggravated by bad regulations. Let persons thus circumstanced be at least kept aloof from vicious and debased companions. Their seclusion, too, may not only prevent unnecessary pain at the time, but may be the means of avoiding, at a subsequent period, evils of much greater magnitude. To have been in Bridewell at all is a stigma, and where any sense of shame remains, is always a subject of mortification and regret. Of this, the hardened offender, it is known, takes advantage, and by claiming in public a *jail acquaintance* with one who has some remnant of good feeling left, he exerts over him a most galling tyranny, and may incite him to further acts of wickedness. All this can be prevented by confinement in separate rooms.

Lastly come those who are under strong suspicions of having committed offences of an atrocious character. These, the Committee think, should be kept separate, not only on account of the evil impressions which they might otherwise make upon less desperate offenders, but for the furtherance of justice; for burglaries and other equally serious crimes are frequently perpetrated by several persons acting in concert. These are often caught at different times, and if allowed to communicate with one another, while in custody, can easily arrange the tale to which all are to swear. If none knew who had been laid hold of, and who had escaped, what those who had been taken had acknowledged, and what they had concealed, what story had been trumped up, and what evidence removed, softened or suborned, it is manifest that the prospect of arriving at the truth, and, ultimately, of obtaining a just verdict, would be a thousand-fold increased.

We come now to the cases of those against whom the evidence is so strong that they are to undergo a trial.

This branch of the subject will not require the same lengthened discussion as the one which has just been disposed of; for it has been fully proved, the Committee trusts, that persons under arrest but not as yet fully examined, should be kept in separate apartments; and it is universally conceded, and our whole State Prison system goes upon the idea, that *after conviction* no intercourse between prisoners should be allowed.—Why then should the intermediate period form an exception? There is no possible reason for it, that the Committee can conceive. In all three situations the same causes are in operation, and the same results must ensue; for among criminals, however situated, recklessness is always the noblest quality, and in the circle of a prison, he will constantly be the hero who is most devoid of compunction and destitute of fear. By such an one and his supporters, laws and conscience will be scouted at, the timorous will be

emboldened, the scrupulous will be hardened, and the ignorant will be instructed. In our jails, accordingly, as at present conducted, acquaintances are formed, leagues entered into, and plans for future operations are digested. It is known, for instance, to your Committee, that in prisons the art and mystery of picking locks have been acquired, and instructions have been given where the necessary implements might probably be obtained. Nor are these, great as they are, the sole evils which result from permitting free communications between prisoners after commitment and before trial. The following narrative will show what sometimes happens from such a state of things. A man in a fit of passion beat his wife. She complained to the police, and as he could not give security he was sent to jail. The next morning, the woman having relented, she applied for his release. An order for that purpose was given her, she repaired with it to the prison, and arrived just in time to receive his corpse! It appeared, upon inquiry, that the man being a poor simple body, the other prisoners had so wrought upon his fears that during the night he had committed suicide.

Upon a review of the whole subject, then, your Committee cannot but come to the three following conclusions :

First—That a House of Detention should be forthwith provided for the reception of persons under arrest for examination or for trial.

Secondly—That this house should be as near as possible to the Court of Sessions, to allow easy intercourse between the prisoners and their Counsel, and to prevent the necessity of conveying the former backwards and forwards chained together as is now done.

Thirdly—That the House of Detention should be so prepared and regulated *that no prisoner should be permitted to have any intercourse whatever with any other individual who is also in a state of confinement.*

At first view this last regulation may appear somewhat rigorous, but the Committee cannot so consider it. To the innocent it would prove a boon, and the guilty would have no right to complain, and could suffer no detriment—they might indeed be benefited; for if every room were furnished with a Bible at the expense of the Corporation, with that book as a companion, a short seclusion, particularly from such society as a prison can afford, might do great good. Many culprits, especially those who were rather wild and thoughtless than wicked, if thrown suddenly into solitude, would be induced to enter into communion with themselves as to the past, and to look more calmly and narrowly into the future. Such a retrospect and scrutiny, thus aided and conducted, would surely prevent, while in confinement, any further accomplishment in villainy, and would restore some, at least, to the world, regenerated and reformed.—Nor need the Bible be the only book which should be allowed,—any other good work might be furnished which a prisoner wished and could command. Even harmless employment of any kind might be permitted—solitariness being the only indispensable condition. In this way it appears certain to the Committee, that if our prisons were not rendered schools of religion and virtue, they would, at any rate, cease to be what they now are—SINKS OF DEPRAVITY AND SEMINARIES OF CRIME.

Resolved, That the Committee on Police, Watch and Prisons, ascertain upon what terms a convenient House of Detention can be procured and properly fitted up.

J. AUG. SMITH,
C. C. JACOBUS.

DOCUMENT NO. X.

BOARD OF ASSISTANTS.

JULY 29, 1833.

The Street Committee on widening John street from Broadway to Pearl street, presented the following Report, which was read and adopted, and ordered to be printed for the use of the Members.

D. D. WILLIAMSON, Clerk pro tem.

The Street Committee, to whom was referred the petitions for, and remonstrances against, widening, straightening, and otherwise improving John street, from Broadway to Pearl street,

RESPECTFULLY REPORT,

That they have had the subject under consideration—have attentively heard all the reasons for the measure, which have been urged by its advocates, and also have carefully weighed

all the considerations brought forward by those who are opposed to its adoption,—being very desirous to obtain all the information which could be acquired in relation to the subject, not only from the variety of interest connected with it, but also from the very large amount of expenditure involved in its execution,—being a sum which, in all probability, will not be less than *Two Hundred Thousand Dollars !*

From an examination of the maps in the Street Commissioner's Office, it will in a moment be seen, that John street, in its present situation, is narrow, crooked, and not at all adapted to its locality, in the heart of this populous city, and particularly at its southern extremity, where it unites with Pearl street, is excessively inconvenient, both from its want of width, and from the steep declivity by which it unites with Pearl street, at Burling Slip ; and your Committee are entirely satisfied, that if any plan could be devised, by which these very serious difficulties can be removed, and at the same time justice be done to all the parties concerned, being not only those who own the lots fronting on John street, but also the owners on the cross streets, which intersect John street, and particularly those on Gold, Cliff, and Pearl streets, a very great and material point will be gained.

Experience has shown that projected improvements, in opening new streets, or widening old ones, are much more successful, and more profitable to all concerned, when they take place in those parts of the city which are of moderate ascent, than where the sites of the proposed alterations are on quick and steep declivities ; and for the very obvious reason, that in the one case facilities are afforded for the transportation of heavy goods of which the other is not susceptible ; thus giving a very large increase of value, as for wholesale stores, in the one case, which in the other cannot be made available, by reason of the difficulty of carting heavy goods up steep ascents, and particularly so in the winter season.

Acting under these impressions, as your Committee are induced to believe the petitioners for widening John street also propose, that the graduation of John, Gold, and Cliff streets, should be reduced, and the surface of Pearl street should be raised, so as to take off as much of the declivity of John street, from William street to Pearl street as practicable; thus endeavoring to make its entrance into Pearl street, of such moderate slope, as might afford reasonable facilities for the transportation of heavy goods, at all seasons of the year.

In order to ascertain how far this might be accomplished, and what would be its effects, not only on John street, but also of the intersecting streets, profiles of the whole have been made, showing the surface of the pavements, and the elevations of the first floors of the buildings, on John, Gold, Cliff and Pearl streets, so far as the same would be affected by the proposed measure; and new lines of elevation and depression have been projected thereon, showing the quantity of cutting down and filling up at the different points.

From these profiles it will be seen, that in Pearl street, especially, a considerable number of the buildings now erected between Fulton street and Maiden Lane, will have their floors brought below the level of the pavements, and thus involve the necessity of making very expensive alterations in such buildings,—many of which have been recently erected at great cost, adapted to the present level of the street,—and others, from want of sufficient height in the first story, are incapable of being so altered. Alterations also would be required in the buildings on Gold and Cliff streets, though not to such an extent as on Pearl street.

Difficulties of a similar kind having arisen many years ago, in the projects for altering and improving the streets of the city, the Common Council, in the year 1816, applied to the Legislature of the State for the passage of a law, making pro-

vision to meet such cases, and it was then enacted, that whenever afterwards it became expedient, in conjunction with the plan for opening or widening a street, that the graduation of the adjacent streets should be changed, in order to meet the new regulation of the street so to be opened or widened, that profiles showing the proposed alterations, should be made, and laid before the Commissioners, who are specially directed to estimate and allow damages to persons, owners of houses and lots, not only such as are required for the purpose of widening the street, but also such as are owners on the intersecting streets, whose level would be changed, and they thereby put to cost and expense. (The law above mentioned will be found at page 745 of the laws relative to the city, and to which the Committee particularly beg leave to refer.)

In the present case, it is manifest, that some considerable portion of the assessment is expected to be paid by the property fronting on the streets crossing John street, and lying half way to Fulton street, on the one hand, and half way to Maiden Lane, on the other. But if, arising from circumstances produced by the proposed change of regulation, the owners on these streets, instead of contributing to the proposed assessment, are to be allowed damages for the necessary expenses of filling up and altering the streets, with the cost of repaving, and flagging the side walks, altering their stoops, and raising their floors,—the question arises, whence is the money to come? Will the owners on John street be able to bear, not only the expense of taking the land and buildings which it is proposed to take for widening the street, but also to remunerate to the owners on the crossing streets, the necessary allowances to be made by the Commissioners, for the alterations above mentioned?

This is an important question, which has been laid before the parties who advocate the proposed widening of the street, and so fully have they become convinced of its weighty con-

sequences to the measure, that they now propose to abandon the idea of altering the elevations of any of the streets in question, but confine themselves to widening John street, to the width of forty-five feet, from Broadway to Pearl street, and leaving the question of changing the regulations of the streets to come up hereafter, if it shall at any future time be thought advisable.

There is also a discrepancy of opinion among the parties concerned, as to the direction of the new lines between Nassau street and Broadway; some of the owners wishing to have a straight line, and which also brings it nearer to the opening of Dey street, on the opposite side of Broadway, whilst others wish to introduce two additional bends into the street; and some of the parties make the adoption of the lines proposed by them, the condition of their consent to the measure, thus adding to its embarrassments.

Your Committee deem it necessary to mention, that the line proposed between Nassau and William streets, (and which in this part of it is admitted to be the only feasible one) will cut off about six feet of the church belonging to the Methodist congregation, and who remonstrate wholly against the measure.

Under the law authorising the Commissioners of Estimate and Assessment, to charge against the Corporation one-third of the value of the buildings to be taken in improving the street, your Committee believe the Commissioners would find it necessary to go to the extent of their power, and thus charge the Public Treasury, probably not less than twenty-five thousand dollars, a sum that certainly appears to be large at the first view, but when the increased value of the property consequent on these improvements, is taken into consideration, the new buildings erected, and the additional amount of taxable property created, it is fully believed by your Committee, that they would not be justified in taking narrow and

contracted views on these subjects,--inasmuch, as notwithstanding various sums have, at different times, been paid by the public for similar improvements, they are entirely convinced that measures of this character have, on the whole, been an effectual means of sustaining and replenishing the Public Treasury.

By a recurrence to the law of eighteen hundred and sixteen, it will be seen, beyond all possibility of doubt, that it was the decided opinion of the then Common Council, in the application for, and also, of the Legislature, in passing the law, that the subject of alterations in the regulations of the streets, was intended to be necessarily and inseparably connected with the widening of them ; and was, in fact, the only way in which even-handed justice could be meted out to all the parties concerned.

Let us for the sake of illustration suppose, that the widening of the street in question, separated from any alteration of the regulation, was agreed upon, and passed by the Common Council, the Commissioners appointed by the Court, and the estimates of damage and assessments for benefit all made, it is very clear that the property on the intersecting streets, would be assessed considerable sums for their share of the benefit produced. Let us suppose the assessment confirmed, and the money collected—the buildings all removed—the streets widened, and new stores about to be erected ; what then—why the evils arising from the sharp declivities of John street, will be still more sensibly felt, just in proportion as it comes to be more used, and applications will be renewed to the Common Council, to alter the pitch of the street, and will be continued until finally they succeed ; as your Committee fully believe, that raising the surface of Pearl street, will, at some time hereafter, if not at present, inevitably follow the widening of John street. Hence they are of opinion, that the Common Council, as the conserva-

tors of public justice, ought not to consent to any measure which would operate oppressively on any portion of the citizens, as they most certainly believe, would be the consequence of separating the measure of widening John street, from that of altering the grade of it and the adjacent streets.

Your Committee have deemed it their duty to make this exposition of the facts and circumstances connected with the above application, in order that it might be presented to the Common Council in all its bearings; still, however, believing it to be a measure which may be made eminently beneficial to the owners of property, provided any mode can be adopted by which the various interests can be united in support of one general measure, which shall command the confidence of a large majority of those concerned. And in the hope of seeing it relieved from the embarrassments which at present surround it, your Committee respectfully ask of the Common Council, that the subject may be continued before them for their further advisement, and with an understanding, that they will report definitely thereon, as soon as practicable;— and offer the following resolution:

Resolved, That the Street Committee be directed, further to consider the subject of widening John street, from Broadway to Pearl street, and report finally thereon, as soon as practicable.

FRANCIS FICKETT,
DAVID HALSEY,
GEORGE SUTTON,
Street Committee.

DOCUMENT NO. XI.

BOARD OF ASSISTANTS.

SEPTEMBER 23, 1833.

The Committee on Police, Watch and Prisons, to whom was referred the subject of procuring a proper House of Detention in the vicinity of the Park, presented the following Report, which was read, laid on the table, and directed to be printed for the use of the members.

D. D. WILLIAMSON, Clerk pro tem.

The Committee on Police, Watch and Prisons, to whom was referred the resolution to "ascertain upon what terms a convenient House of Detention can be procured and properly fitted up," beg leave to

REPORT,

That they trust they have already proved, not only the propriety but the necessity, of a well regulated and sufficient

House of Detention. In addition to the arguments and considerations which were heretofore urged on this subject, the Committee have since ascertained that while the utility and importance of such a house are acknowledged, out of New York there does not, at this time, exist in the world, an institution of the kind; and the Committee cannot but express their gratification, that our country and city should be the first to set an example of so laudable an improvement in behalf of those, who notwithstanding their errors, their vices and their crimes, are still our fellow beings.

It now remains to fix upon a proper location for the establishment in question.

In examining the various situations for this purpose, there is one, and but one, which combines in any tolerable degree, the different requisites which are necessary: that one is the Public School House, at the corner of Chatham street and Tryon Row.

In the first place, this building is contiguous to the Police Office and the Court of Sessions, so that prisoners can be remitted or brought up, one by one, as may be required, without having recourse to the present expensive and inconvenient mode of transportation by carriages.

In the next place, this situation is as remote from the great thoroughfare, Broadway, as the nature of the case will admit of.

Thirdly, the building is so large, that by adding two stories to it, which the Committee propose should be done, there will be ample accommodation in the lower part, for all criminals awaiting their trials; and in the upper part for debtors, and a small hospital. Moreover, by having the roof flat, and if necessary, covered by an awning, a place for exercise will be obtained: the only one which can be procured near the seats of justice.

Having mentioned the debtors who are in confinement, the Committee are obliged to call strongly upon the Board, for attention to their condition. At present these persons are confined as closely as felons, in apartments ill-ventilated, filthy and crowded: a state of things which should never be tolerated in this age and country.

But to return to the proposed building.—The cost as will be seen from the annexed communication from the Board of Public Schools, is $26,500. This sum, though obviously much less than the building is intrinsically worth, may at first sight appear unreasonable, when it is recollected that the edifice in question was granted gratuitously, on a perpetual lease, by a former Corporation: but it must be remembered that the Board of Public Schools have no personal interest whatever, in the matter, and that the fund, of which they are the guardians, will in fact suffer by the arrangement; since it will take a greater sum to establish them equally well elsewhere. The true view, however, of the case, is this—the money will be used for the best of all possible purposes, the education of the poor. Even, however, if the property in question were conveyed to the Corporation without consideration, nothing would be gained. A new school house would be indispensably necessary, and the public would have to furnish the money for its erection. The Corporation consequently will now merely do in one form, for a highly important purpose, what would have to be done in another, were it required, without that inducement.

The cost of fitting up the building, agreeably to the estimate herewith annexed, will be $19,000. That this sum, when added to the first cost is large, the Committee must both admit and regret. But they beg it will be always recollected, that the present condition of the debtors in Bridewell, of the prisoners at Bellevue, awaiting their trial, is a scandal to the city councils, and can no longer be borne.

Some mode of relief must consequently be adopted. The Committee submit the best, which after every inquiry, they have been able to devise. If any member can point out a more eligible, and at the same time a more economical plan, it shall have the support of the Committee, and its author their thanks. But if this cannot be done, if nothing better can be suggested, it is hoped that every one will sustain what he ackowledges he cannot improve.

On the whole, then, the Committee recommend the adoption of the following resolutions:

Resolved, (If the Board of Aldermen concur,) that the sum of $26,500 be and the same is hereby appropriated, for procuring the school house at the corner of Chatham street and Tryon row; and that the Comptroller draw his Warrant for that sum, in favor of the Board of Public Schools, upon their releasing to the Corporation their claim upon the said building.

Resolved, That the sum of $19,000 be appropriated for fitting up said building as a House of Detention for criminals, and of reception for debtors.

WM. C. WALES,
J. AUG. SMITH,
C. C. JACOBUS.

Public School, No. 1, *August* 10, 1833.

To the Committee of the Board of Assistants, relative to the purchase of Public School No. 1, *of which J. A. Smith is Chairman.*

As a Committee on behalf of the Board of Public Schools, to confer with you as a Committee on behalf of the Board

of Assistants, relative to the purchase by the Corporation of Public School No. 1, we are directed to say, that the Board of Public Schools have no desire to dispose of the building in question, which they have always found exceedingly convenient on account of its locality, and ample accommodations for their school, their own session room, and for the family of the teacher; but deeming it their duty, as well as it is their pleasure, to meet the views of the Common Council, so far as circumstances will permit, they have decided to offer the building and lease to the Corporation, for the sum of $26,500, delivery and payment to be made on the first day of May next.

Although the property has greatly increased in value, and is worth much more than this amount to the Public School Society, which will have to expend a much greater sum for a site and building in lieu of No. 1, as they must have at least one school in the lower part of the city, this amount has been fixed on as being the sum which appraisers appointed in 1826, on the part of the Corporation and the Society, decided it would be right should be paid for the premises, if surrendered by the trustees.

The trustees are very desirous the question should now be finally settled, as the state of uncertainty in which they have for several years been kept by repeated applications, formal and informal on the part of the Corporation, with respect to No. 1, has prevented them making those necessary alterations and repairs on the building, which it has needed, and which have now become absolutely essential.

A copy of the award made by Elisha W. King, Peter A. Jay, Henry J. Wyckoff, and Asa Mann, the appraisers, is annexed.

WILLIAM W. FOX,
LINDLEY MURRAY,
HIRAM KETCHUM.

(COPY AWARD.)

The undersigned arbitrators, appointed as well on behalf of the Mayor, Aldermen and Commonalty of the City of New York, as on behalf of the Trustees of the Public School Society of New York, to determine the value of the school house and lot No. 1, corner of Chatham street and Tryon Row, in the said city having examined the said premises and the lease thereof, and duly considered the subject, do award and determine that in our opinion the terms specified in the said lease is worth the sum of Twenty-six Thousand, Five Hundred Dollars, which in the event of surrendering the said lease, ought to be paid by the Corporation to the lessees.

Given under our hands, this 3d day of July, 1826.

(Signed,) ASA MANN,
HENRY J. WYCKOFF,
PETER AUGUSTUS JAY,
E. W. KING.

DOCUMENT NO. XII.

BOARD OF ASSISTANTS.

OCTOBER 7, 1833.

Report of the Committee on Laws, &c. on the petition of Jacob Wyckoff. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, &c., to whom was referred the account of Jacob Wyckoff, formerly Attorney to the Corporation, beg leave to

REPORT,

That the said account consists of a number of charges, of the correctness of which it is impossible for the Committee to judge: they therefore recommend that the account be referred to the Comptroller, with power.

While on the subject of this account, the attention of the Committee was necessarily called to the office of the Attor-

ney for the Corporation; and the result has been a strong conviction on their minds, that a change in the manner in which that office is conducted, should be effected. In making this remark, the Committee most positively disclaim any design to censure any former, or the present incumbent. The evil is in the system, and not in the officer; and the one requires correction at the hands of the Common Council, as much as would the other. That some corrective is required, the Committee will now proceed to show.

It appears from a report from the Comptroller, that the Attorney for the Corporation received during the last year, the very large sum of $5,271 21. That this amount is altogether disproportioned to the services of that officer, and beyond what other public functionaries receive, all will allow. And the reason why the public attention has not been heretofore directed to the subject, is, that the money has been paid indirectly, and not directly; the whole or very nearly the whole of the payments made for burying within the present prescribed limits, having been absorbed into and thus constituted a portion of this excessive remuneration. The cause of this absorption was this. It appears from another paper furnished by the Comptroller, that in one year seventy cases occurred, which proved to be, in technical language, "untenable." In all these cases, costs, including fees to the Attorney, were charged to the Corporation. There were besides, one hundred and four cases in the same year, in which judgments were rendered for the defendants, and here too, costs and fees were in the same manner paid by the public: so that as affairs at present stand, whenever the Attorney for the Corporation brings a suit, a matter in which he exercises his own discretion entirely, however the Corporation or individuals may fare, he at least is secure. In making this statement, the Committee wish it to be distinctly understood, that they prefer neither insinuation nor charge against any person whatsoever; they merely exhibit the facts

of the case, and those facts they think clearly prove that the Attorney for the Corporation is placed in a situation in which no public officer ought to be put—namely to be liable to the temptation of acting rather for his own advantage, than for the benefit of the public.

Lastly, it appears from the third paper furnished by the Comptroller, that the emoluments of this office have gone on increasing in the following ratio. From 1821 to 1825, Mr. Ulshoeffer being in office, the average amount was $1,552 16. From 1825 to 1829, Mr. T. Phoenix received at the rate of $2,501 13 per annum. From 1829 to 1830 Mr. L. Smith's emoluments were at the rate of $2,533 88 per annum. Mr. Wyckoff had $4,388 40, and Mr. Tallmadge was paid from 1831 to 1833, at the rate of $5,175 36. It thus appears that in twelve years the receipts of this office have much more than trebled, and if this ratio of increase be continued for a few more periods of twelve years, the receivers will indeed be well provided for, but what is to become of the payers?

On the whole, then, the Committee are of opinion they have fully established the proposition with which they set out, "that some corrective is required" for the office of Attorney to the Corporation; but what that corrective should be, has proved a matter of difficulty. To give a definite salary, would take away all inducement to diligence, and the system of fees in all cases, it has been found will not answer. The Committee have, after much consideration, determined to recommend a somewhat complex scheme, which, however, they believe will be found to answer perfectly in practice. The emoluments of the officer are to be derived entirely from fees, but his remuneration is not to exceed the rate of $2,000 per annum, and in cases where he fails, he is not to call upon the public to stand paymaster. All these points, the Committee have embodied in the following ordinance, the adoption of which they beg leave to recommend.

AN ORDINANCE

To amend the "Law relative to suits, fines and penalties."

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :

§ 1. That hereafter the Attorney of the Corporation shall pay into the City Treasury, the amount of every individual fine, penalty, forfeiture or composition of every kind whatsoever, which he shall receive as Attorney aforesaid, first deducting his own fee, where any have legally accrued, and the other necessary legal expenses which may have attended the recovery of such particular fine, penalty or composition.

§ 2. *And it is further ordained,* That from and after the passage of this ordinance, whenever the said Attorney of the Corporation shall fail in any suit, prosecution or other legal proceeding instituted by him, to recover and receive either any thing at all, or not enough, over and above the necessary legal charges, to pay his own fees, then he shall make no charge, nor be entitled to any compensation from the Corporation or public, for any services which he may have rendered in such cases of total or partial failure.

§ 3. *And it is further ordained,* That the sum total of the emoluments of the said Attorney to the Corporation, for his official services, shall in no one year, or for a less period, exceed the rate of $2,000 per annum ; and that any excess which may come into his hands, beyond that rate, for fees or any other receipts whatsoever, as Attorney aforesaid, shall be paid into the City Treasury.

J. AUG. SMITH,
STEPHEN ALLEN,
JAMES FERRIS.

DOCUMENT NO. XIII.

BOARD OF ASSISTANTS.

OCTOBER 7, 1833.

The following Communication from the Manhattan Company was ordered to be printed, and referred to the Committee on Fire and Water.

JOHN W. RICHARDSON, Clerk.

MANHATTAN COMPANY,

October 4, 1833.

To the Mayor, Aldermen and Commonalty of the City of New York:

The Board of Directors of this Company have seen with great solicitude, the proceedings of your honorable body, on the subject of supplying the city with pure and wholesome water. It is doubtless well known to you, that for this object, in the year 1799, this company was incorporated, and great

privileges granted to enable them "to carry into effect their laudable undertaking;" they have accordingly been unceasing in their efforts, and have succeeded: and as the city increases, greater supplies will be required.

It appears that subsequent to the act alluded to, the attention of your honorable body was directed to the same object; for on the respective memorials of "the Mayor, Aldermen and Commonalty of the City of New York," and "the President and Directors of the Manhattan Company," an act was passed on the 25th of March, 1808, authorising the former "to acquire, take, and hold," and the latter to "sell, assign, &c. all matters, things," &c.; and "also, all their right to supply the said city with water," as by reference to the said act will more fully appear. It is not known to this company, why the provisions of this act were not then carried into effect. It may be that the unsettled state of our foreign relations, required at that time the almost undivided attention of the city government. What, however, may have then been the cause, the attainment of a supply of water for the city is now the subject of your deliberations. This company would not willingly interpose any obstacle to the accomplishment of this great object. It is obvious that in prosecuting the same work by both Corporations, there would be collisions: and to avoid this, and to give to your honorable body all the aid in their power, consistent with their paramount duty to their stockholders, the Board of Directors now offer to dispose of, as contemplated by the last mentioned act of the 25th of March, 1808, all the rights, property, &c. vested in them by the said acts of 1799 and 1808, according to the provisions thereof. And to assure your honorable body of the entire good faith in which this offer is made, the Board of Directors will submit to the arbitration of five or more respectable citizens, to be mutually appointed, or in any other equitable manner which may be mutually agreed upon, to determine what

compensation shall be received by this company for the transfer of their rights and property, in strict conformity to the acts alluded to.

By order of the Board of Directors,
ROBERT WHITE,
Cashier M. C.

Upon the reading of which, Mr. Allen offered the following resolution:

Resolved, (If the Board of Aldermen concur,) That the communication from the Manhattan Company be printed, and referred to the Committees on Fire and Water of both Boards, as a Joint Committee.—Adopted.

DOCUMENT NO. XIV.

BOARD OF ASSISTANTS.

NOVEMBER 4, 1833.

Report of the Commissioners of School Money. Filed and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Commmissioners of School Money for the City of New York, in obedience to the requisitions of the statutes, would

RESPECTFULLY REPORT,

That the balance in the Mechanics' Bank to the credit of the Commissioners, for the year ending on the first of May, 1832, and after the distribution of that year, amounted to seven dollars and fifty-seven cents.

That on the thirty-first day of May last, the sum of ten thousand, five hundred and seventy-six dollars and fifty-six

cents was passed at the bank, to the credit of the Commissioners, being the quota of the School Fund due from the State to this city and county for that year.

That a deposit was on the same day made at the bank, to the credit of the Commissioners by the Corporation, of the sum of eighty-three thousand, seven hundred and twenty-seven dollars and fifty-six cents; forming a gross amount of ninety-four thousand, three hundred and eleven dollars, and sixty-nine cents, from which is to be deducted an expense account of one hundred and forty-seven dollars, and fifty-three cents, and the balance left from the appropriation for the Institution for the Blind, amounting to one hundred and two dollars and eighteen cents.

That the Commissioners received from the Trustees of the Public School Society, their report of scholars attending the schools of said society, to the number of four thousand, five hundred and thirty-six; and have paid the society at the rate of seventeen dollars and three cents each scholar, the sum of seventy-seven thousand, two hundred and forty-eight dollars and eight cents.

That the Manumission Society received for five hundred and six scholars reported by them, at same rate per scholar, eight thousand, six hundred and seventeen dollars, and eighteen cents.

That the Orphan Asylum Society at Greenwich, received for one hundred and forty scholars reported by them, the sum of two thousand, three hundred and eighty-four dollars, and twenty cents.

That the Roman Catholic Orphan Asylum received for one hundred and fourteen scholars reported by them, one thousand, nine hundred and forty-one dollars, and forty-two cents.

That the Trustees of the Institution for the Blind received

for four scholars reported by them, the sum of sixty-eight dollars and twelve cents.

That the Trustees of the Yorkville School reported forty-nine scholars, and have received for them eight hundred and thirty-four dollars and forty-seven cents.

That the Trustees of the Harlaem Schools reported eighty-one scholars, (part colored children,) and have received for them, one thousand, three hundred and seventy-nine dollars and forty-three cents.

That the Trustees of the Manhattanville School have received for fifty scholars reported by them, eight hundred and fifty-one dollars and fifty cents.

That the Trustees of the Hamilton School, near Kingsbridge, received for nineteen scholars reported by them, three hundred and twenty-three dollars and fifty-seven cents.

That the Mechanics' Society have reported from their school, twenty-four scholars as gratuitously educated, and received for them, at the same rate, four hundred and eight dollars and seventy-two cents; which with the fractional balance, as per recapitulation, forms the whole amount of distribution.

RECAPITULATION.

Balance, - - - - - -	$ 7 57
State Deposit, - - - - -	10,576 56
City Equivalent, - - - - -	10,576 57
City School Tax, - - - - -	73,150 99
	$94,311 69
Deduct balance from appropriation for the Blind Institution, they having claimed for	

ten scholars, and but four having been allowed, - - -		$102 18	
Deduct expenses of last year,		47 53	
Balance reserved to meet expenses of coming year, -		100 00	249 71
			$94,061 98
Public School Society, scholars,	4,536 a $17 03 ea		$77,248 08
Manumission, - -	506		8,617 18
Greenwich Orphan Asylum,	140		2,384 20
Catholic, - - -	114		1,941 42
Institution for the Blind, -	4		68 12
Yorkville School, - -	49		834 47
Harlaem, - - -	81		1,379 43
Manhattanville, - -	50		851 50
Hamilton, - - -	19		323 57
Mechanics' Society, -	24		408 72
	——	Balance	5 29
	Scholars, 5,523 a $17 03 ea		$94,061 98
Stationary, and other expenses, - -			47 53
Reservation for the same the coming year,			100 00
Balance left from the appropriation to the Blind, from an error in their report, -			102 18
			$94,311 69

Leaving a balance in the bank of two hundred and seven dollars and forty-seven cents.

The Commissioners would express their satisfaction and general approbation of the situation and prospects of the public schools; and would notice, that notwithstanding the epidemic of last year caused a temporary abandonment of some schools, yet, as may be perceived by a comparison of the two reports, that of the present year exceeds the former considerably.

And also that the views expressed in the report of the Public School Society, their purpose to extend the course of studies and elevate the general standard of instruction, the opening of evening schools, erection of new buildings and extension of their primary schools, meet with the approbation of the Commissioners, and in their opinion, will justify (if they should realize their anticipated completion,) the increased appropriation so liberally bestowed by the city councils.

The Trustees of the Manumission Society not having completed the arrangement with the Public School Society, contemplated in the last report, have continued their praiseworthy and zealous efforts to educate the colored population of the city, and their labors have been encouraged by increasing attendance and improvement.

The school at Yorkville has been much improved since our last report, and promises greater usefulness, by a division of the scholars.

The school at Harlaem supports its high character, and does great credit to the assiduous attention of its Trustees.

The school at Manhattanville merits equal commendation, and for neatness, regularity, and attention, has few superiors.

The Hamilton School has improved in its conveniences, but from the spare population of its district, cannot increase in numbers.

In conclusion, the Commissioners would congratulate the Corporation, the Superintendent of Common Schools, and the public generally, in the gradual progress and improvement in the city, and would bear testimony to the diligence and attention of the Trustees of all the schools under their supervision.

By order of the Board,

WILLIAM THOMPSON, *Chairman.*

SAMUEL N. DODGE, *Secretary.*

DOCUMENT NO. XV.

BOARD OF ASSISTANTS.

NOVEMBER 28, 1833.

Report of the majority of the Street and Finance Committees, on opening Nassau street.

JOHN W. RICHARDSON, Clerk.

The Joint Committee on Streets and Finance, to whom was referred a report from a Committee of the Board of Aldermen, in favor of enlarging Nassau street from Wall to Spruce street,

REPORT,

That they have given the subject their serious consideration, and have endeavored to gain such information as would enable them to arrive at correct conclusions. With this object the Committee instructed the Street Commissioner to select three gentlemen conversant with the subject of opening

streets, and who had frequently served as commissioners on such occasions; and to request them to examine the proposed plan for widening Nassau street; to make a separate estimate of the land and buildings to be taken in order to effect the improvement; and after ascertaining such valuation, to furnish the Committee with their opinion, founded on the best information within their reach; whether the benefits that will accrue to the property of those who will be assessed for said improvement, will be equal to the cost of the same;—or whether benefits can be found in the usual range of assessment in similar cases, to meet the expense.

In accordance with this request, the Street Commissioner called on John Leonard, Peter Stagg, and Samuel Gilford, Esquires, who consented to make the aforesaid examination, and the Committee was furnished with the result on the 23d instant.

The amount at which the land, buildings, &c., are valued by these gentlemen, is $755,050.

The lots of ground fronting on the west side of Nassau street, average 57 feet 2 inches in depth, and on the east side, when the widening shall be effected, only 22 feet 3 inches in depth. The sum of one hundred dollars per foot on both sides of the whole line of Nassau street, from Wall to Spruce, is assumed as benefit, or $2,500, on every lot of 25 feet front, and about 40 feet in depth, on an average of both sides of the street,—which amounts to $325,083

The buildings are valued at $192,900, and allowing one-third to be paid by the city, it will amount to . . .	64,300
Making a total of benefits found .	$389,383
And leaving benefits to be found, .	365,667
Which two sums are the amount of cost as above, ...	$755,050

The result arrived at by these gentlemen, is in the following words: "We are therefore decidedly of opinion, that benefits cannot be found in the usual range of assessing in similar cases, to meet the expense." For further particulars the Committee beg leave to refer the Board to the report of the gentlemen alluded to, hereunto annexed.

A majority of the Committee have arrived at the conclusion, after viewing the subject in all its bearings, that the project cannot be carried into effect, under the present act for opening and widening streets. Commissioners are authorised, under the aforesaid act, to extend their estimate and assessment to any lands and premises that *they may deem to be benefited by the operation.* This to be done however under their oath of office—faithfully and impartially to perform the trust and duty required of them. It is therefore imperative on the Commissioners, that the lands and premises, (not the persons or inhabitants) should in their unbiassed opinion, be benefited by the operation, before they can legally and under their oaths of office, extend the assessment to them. Here we have the united opinion of three gentlemen who have acted as Commissioners in numerous instances, that benefits cannot be found, if the assessment is to proceed upon the principle adopted in similar cases, to meet the expenses. Thus circumstanced, the Committee are unable to perceive, how the project under consideration can be carried into effect, even with the strong powers delegated to the Common Council by the statute.

The Committee are ready to admit, that avenues leading to the lower part of the city, of larger space than the present ones, would be a great convenience, and that if Nassau street was widened to sixty feet, it would add to the present convenience of those who might use it, in proceeding to the lower part of the city. The same may be said however of William, Pearl and Water streets, on the east side of the

city, and several other streets on the west. None of them however, in the opinion of the Committee, is of so great importance, as to induce the adoption of a measure, in opposition to the unanimous remonstrance of every owner of property on the street to be opened, except some four or five, and of more than 150 of those likely to be assessed for the improvement; and also in the face of the opinion of those well-informed and disinterested persons, that benefits cannot be found to meet the expense.

The statute giving authority to open and enlarge streets, although necessary, and in most respects beneficial, nevertheless, conveys power of the most arbitrary and despotic character to the Common Council, such as no government, where the rights of property are respected, possesses. It ought therefore, to be exercised discreetly and with a full conviction of its absolute necessity.

But even this statute, in the opinion of the Committee, never contemplated a case like the present, nor has one ever existed, where every person supposed to be immediately benefited, except four, was opposed to the measure. It is worthy of consideration also, especially with those who deem the power conferred necessary when judiciously exercised, whether by pressing improvements injuriously, the power may not be curtailed at the solicitation of those conceiving themselves injured.

In a financial point of view, it will be seen, that $64,300 must be paid from the Treasury for one-third of the value of the buildings. Are the members of this Board prepared to place this additional burthen on their constituents, or as has been suggested by some, that application be made to the Legislature, authorising the payment from the City Treasury, such sum, for which benefits cannot be found, amounting to two or three hundred thousand dollars more?

This subject has been agitated since the 22d of July last, when the reference was first made in the Board of Aldermen, and much inconvenience having been experienced by those owning property on Nassau street, from the delay in coming to a decision, the Committee think it due to these citizens, that the question should now be decided.

With the foregoing views on the matter, a majority of the Committee have concluded to offer the following resolution:

Resolved, That this Board non-concur with the Board of Aldermen in their resolution that Nassau street be widened from Wall to Spruce street, and that the Counsel take the necessary measures to carry the resolution into effect.

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH,
GEORGE SUTTON,

Estimate of the Sizes of Lots fronting the Improvement from Wall street to Spruce street, as they now are on the north side of Nassau street.

Nassau and Wall streets north side.	Front.		Deep.	
Anderson and Clark,	73	10	25	
Presbyterian Church,	23	5	50	
John T. Irving,	25	1	75	
do.	24	6	86	
do.	24	8	86	
James L. Kip,	24	8	88	
Pine.—Thomas Wintringham,	23	3	69	4
George Barclay,	23	4	70	
J. S. Schemerhorn,	23	4	80	
Estate Dr. Tillery,	23	7	88	
E. W. Morse,	23	2	89	
Estate Richard Varick,	21	11	88	
E. Holbrook,	23	6	79	
Cedar.—Anthony Dey,	18	6	85	4
S. L. Ogden,	31	0	84	4
William Slosson,	25	0	85	
New York Society Library,	30	0	90	
Edward Shepherd,	25	0	108	1
Wm. Moore, (Kelly, lessee,)	25	0	84	
Wm. Moore,	30	0	84	
Liberty.— —— Quackinbush,	60	9	21	
J. Milderberger,	21	5	64	
do.	28	0	65	8
Heirs of A. Brown,	16	9	50	
Wm. Merrill,	15	3	50	

Henry Allen,	20	7	18	6
Maiden Lane.—G. Beekman,	51	10	25	
J. Beekman,	23	2	48	
G. Beekman,	44	0	49	
do.	23	11	50	
T. Turk,	40	0	50	
John.—Estate Z. Voorhies,	24	10	76	
John Gatfield,	26	3	73	
Caleb Bartlett,	51	5	104	
Peter Sharpe,	25	8	106	
F. W. Steinbrenner,	25	7	107	
John W. Gilbert,	25	0	108	6
E. DeGironcourt,	25	1	109	6
Estate S. Nosworthy,	25	1	110	9
Estate Thomas Hodgkinsons,	52	0	113	
Fulton.—Richard Riker,	14	9	80	
do.	44	0	80	
do.	29	5	80	
do.	28	11	80	
Ann.—James Conner,	34	9	70	4
Joseph Kissam,	25	0	70	
Lee and Thompson.	24	9	103	
Mary Baldwin,	25	0	70	
New York Bible Society,	50	0	102	
do.	44	0	101	
Clinton Hall.	100	8	50	2
Beekman.—Presbyterian Church,	125	10	100	
Presbyterian Society,	75	1	70	
	1791	06	4054	6

1,791 6 ⋈ 4,054 6

Church Property,—200 11

1791 6 = 71⅔ lots to 25f. ea.

— 8 " " "

63⅔

The average depth of the above 71⅔ lots is 57 ft. 2 in.

Lots 63⅔ a 2,500				$159,166	66
8	Church ground,			2,500	00
71⅔				$161,666	66
Wall street, south side.			Front.	Deep.	
Nassau.—United States,			112 0	76	6
	do.		10 0	76	6
	do.		75 10	68	
Pine.—Est. Jno. Gardner, (Lovejoy, lessee,)			64 5	6	5
Oliver Halstead,			85 3	7	
Cedar.—Reformed Dutch Church.			190 0	88	6
Liberty.—Eliza Evertson,			71 5		
F. Marquand,			47 6		
Miles Hitchcock,			52 0		
Maiden-lane.—Benj. L. Swan,			20 6		
C. Judah, now B. L. Swan,			22 6		
John P. Bessonett,			29 5	19	
N. Caswell,			50 2	75	6
E. Manley,			62 6	25	
John.—James Chesterman,			51 10	53	
	do.		24 0	54	
	do.		24 0	54	
W. G. Reynolds,			35 6	79	6
Baptist Church,			50 4	82	6
S. Randolph,			16 7	28	
do.			16 7	28	
J. Thomas,			18 0	26	3
J. Schieffelin,			25 7	26	
John Jones,			25 3	26	
Fulton.—Reformed Dutch Church,			87 6	52	
	do.		30 0	50	
Ann.—D. Fanshaw,			41 2		
John Campbell,			37 8	59	6
E. Holbrook,			18 9	58	

Estate John Greenwood,	19	1	56	
Jacob Schieffelin,	19	0	55	
E. Holbrook,	18	9	54	
—— Weyman,	18	11	53	
M. Habershaw,	18	11	52	
Peter Aymar,	40	1	45	
do.	30	5	46	Includes the Law Offices on Beekman-street.
do.	33	7	46	
Beekman.—Peter Embury,	60	5		
P. Delaplaine,	29	9		
do	21	1		
Spruce.—American Tract Society,	79	4	24	
	1795	7	1575	8

1795 7=71 4-5 lots 25 feet.
Church fronts— 240 4= 9 3-5 " "

62 1-5 lots.

The average depth of the above 62 1-5 lots is 22 3.

Lots,	$62\frac{1}{5}$ at $2,500,	$155,000	00
Baptist "	2 Church,	1,666	66
Dutch "	$7\frac{3}{5}$	2,500	00
	$71\frac{4}{5}$	$159,666	66

Estimate of Damages and Benefits on Nassau street widening from Wall to Spruce street.

Nos.	Owners, Lessees.	Lessees.	Ground.	Buildings	Totals.
1	U.S. 25 6 Wall, by 112 Nassau.				
	An Alley, 10 Nassau, by 30 5 deep,		108,000	17,000	125,000
2	U. States, Pine-st 24 11, by 75 10, rear 30 5 by 76 on line cut.				
3	Estate of John Gardner, 22 11 by 22 10—64 5, Nassau,	8,000	25,000	10,000	43,000
	J. Lovejoy, lessee for 21 years from 1st May, 1833; rent $1500 per annum, and buildings to be valued; has been offered $700 per an. profit—can now get $1000.				
	N. B. The offer of $700 per ann. profit, offered when building was going up,				
4	Oliver Halstead, 21 9, by 85 3, and 22 10 by 83 7,		25,000	5,400	
	Ditto Vaults in street,			800	
	Lessees,				35,200
	J. Hall, 5 yrs. $1000				
	Voorhes, 5 " 2000				
	Mumford, 5 " 500	4,000			
	Maxwell, 4 " 500				
	$4000				
5	Reformed Dutch Church, 189 10 Nassau, wide. 23 6 Cedar. 21 Liberty.		66,500	10,000	76,500
	Ditto, 25 Vaults, $400 each				
6	Eliza Evertson, 12 1 Liberty 71 deep, 13 7 rear. 71 5 Nassau.		14,000	6,000	20,000
6½	Alex. Kinnan, 9 on Liberty & rear,: 71 6 average depth,		4,500	1,500	6,000
7	F. Marquand, 6 9 by 47 6 Nassau; 11 4 by 48 2 rear,		7,500	2,500	10,000
7½	Wm. Merrill, 8 11 Maiden-lane, 14 rear, 95 2 by 99.		11,000	1,000	12,000
8	Miles Hitchcock, 16 6 cor. Maiden-lane, 52 deep on Nassau,		17,500	5,000	22,500
9	Benjamin L. Swan, 26 6 Nassau; 19 2 Maiden-lane, rear irregular,		17,000	3.000	20,000
	Carried over,	12,000	296,000	62,200	370,200

Nos.	Owners, Lessees.	Lessees.	Ground.	Buildings.	Totals.
	Amount brought over,	12,000	290,000	62,200	376,200
9½	Rich'd Mortimer, (a triangle,)		4,000	1,000	5,000
10	Benjamin L. Swan, 226 Nassau 20 6 rear; cost $6750,		6,200	800	7,000
11	John P. Bessonett, 29 5 Nassau, 20 6 on two sides and irregular,		8,000	2,000	10,000
11½	Edward Darrow, Lessee,	750			
12	N. Caswell and others, 53 2, Nassau, 51 7 rear; average depth 78 6.		11,000	3,000	16,750
	George Dummer, Lessee,	2,000			
13	E. Manley, 23 3 John-street, and 62 6 Nassau,		15,000	3,000	18,000
14	James Chesterman, 24 John and 51 10 Nassau,		13,000	14,000	27,000
15	James Chesterman, 24 deep and 24 Nassau,		4,800	7,500	12.300
16	Ditto, ditto		4,800	7,500	12,300
17	W. D. Reynolds, 24 deep and 35 6 Nassau, C. Towser, Lessee,	3,000	7,100	1,500	11,600
18	Baptist Church, 24 deep and 50 4 Nassau,		10,000	4,000	14,000
19	S. Randolph, 24 deep, 16 7 Nassau,		3,300	2,800	6,100
20	Ditto, ditto		3,300	2,800	6 100
21	J. Thomas' estate, 24 by 18 Nassau,		3,600	300	3,900
22	J. Schieffelin, 24 deep and 25 7 Nassau,		6,000	4,500	10,500
23	John Jones, 24 3 deep, 25 3 Nassau,		9,000	1,500	10,500
24	Reformed Dutch Church, 87 6 Nassau, 24 3 Fulton.		17 000	6 000	23,000
25	Ditto, 30 Nassau, 24 10 deep.		6,500	4,000	10,500
26	D. Fanshaw 41 2, Nassau, 24 6 deep,		9,000	1,000	10 000
27	John Campbell, 37 8 Nassau,		7,500	8,800	16,300
27½	M. Campbell, Ann street,		500		500
28	E. Holbrook 18 9 Nassau, 23 6 deep.		3,750	300	4,050
29	Estate of J. Greenwood, 19 1 Nassau,		3 800	300	4,100
30	Jacob Schieffelin, 19 Nassau,		3,800	3,000	6,800
31	E. Holbrook, 18 9 do		3 750	1 500	5 250
32	— Weymen 18 8 do		3,750	4,000	7.750
33	M. Habershaw, 18 8 do		3.750	4 000	7.750
34	Peter Aymar, 40 1 do		8,500	8,000	16,500
	— Greenwood, Lessee,	200			
	— Pinkney ditto	200			400
35	Peter Aymar, 35 5 Nassau,		7,000	6,000	13,000
36	Ditto, 33 7 ditto		11,000	6,000	
	21 Beekman street, Johnson & Green, Lessees,	300			17,300
	Carried over,	18,450	494,700	171,300	684,450

Nos.	Owners, Lessees.	Lessees.	Ground.	Buildings	Totals.
	Amount brought over,	18,450	494,700	171,300	684,450
37	Peter Embury, 20 10 deep 70 5 Nassau,		19,000	5,000	26,000
38	J. B. Taylor, Lessee,	2,000			
39	P. Delaplaine, 29 9 Nassau,		5,800	1,200	7,000
	Ditto, 21 1 Nassau,		4,200	1,400	5,600
40	American Tract Society 79 4 Nassau,		16,000	14,000	30,000
		20,450	539,700	192,900	753,050
			Expenses,	. . .	2,000
				Total,	$755,050

To the Joint Committee on Streets and Finance of the Board of Assistants.

GENTLEMEN—In compliance with your resolution of the fifteenth inst. communicated to us by the Street Commissioner, we have examined the proposed plan for widening Nassau-street, with all the care and attention that the limited time we have had it before us would permit ; and respectfully beg leave to submit the following results of our examinations and calculations.

The damages are estimated as follows :

Ground, - - -	$539,700	
Buildings, - - -	192,900	
Lessees, - - -	20,450	
Expenses, - - -	2,000	
		$755,050

To form an opinion "whether benefits can be found in the usual range of assessing in similar cases, to meet the expense," we have had recourse to the map submitted to us, and find, that on the west side of Nassau street, from Spruce to Wall street, there is

	ft.	in.	
a line of fronts of	1,791	6	
From which deduct the property of the Presbyterian Church,	200	11	
			1,590 7
And on the easterly side of Nassau street, from Spruce to Wall street,	1,795	7	

From which deduct the property of the Reformed Dutch Church, 190 feet, and that of the Baptist Church, 50 feet 4 inches.	Total	240 4	
			1,555 3
Assessed at one hundred dollars per foot,			3,145 10
Two lots of the Baptist Church assessed at $\frac{1}{3}$, $1,666 67 ; the Presbyterian Church at $2,500 ; and the Reformed Dutch Church, at 1-3, $6,663 33, as stated on the other side, - - - - - - -			$755,050

Recapitulation of Benefits.

3,145 ft. 10 in. on lines of Nassau street, at $100,	$314,583 33	
The Presbyterian Church,	2,500 00	
The Baptist Church,	1,666 67	
The Dutch Reformed Church,	6,333 33	
		325,083
		$429,967
The value of the buildings which will be taken for the improvement,	$192,900	
Amount whereof chargeable to the Corporation, if the Commissioners deem such charge equitable, is 1-3, or	64,300	
Deducting the charge to the Corporation,		64,300
Leaving a deficit to be raised elsewhere, of		$365,667

In making the above estimate of the benefits to be derived from the contemplated widening of Nassau street, we do not

wish to be understood as giving an opinion that the property in question would bear so heavy an assessment: we have merely stated the case in this practical way, that you might have the subject plainly before you.

It will appear that the average depth of the lots on the westerly side of Nassau street, is *fifty-seven feet two inches*, and on the easterly side, *twenty-two feet three inches*.

We are therefore decidedly of opinion, that benefits cannot be found in the usual range of assessing in similar cases, to meet the expenses.

For further particulars of the valuations, &c. we beg leave to refer to the accompanying documents.

All which is respectfully submitted.

JNO. LEONARD,
PETER STAGG,
SAM'L GILFORD, JUN.

New York, November 23d, 1833.

P. S.—It will also be borne in mind, that the property belonging to the American Bible Society, the Tract Society, and the Society Library, and also the property belonging to the Reformed Dutch Church, at the corner of Ann street, which is mostly used for church purposes, are included in the estimate, in the same manner as the property of individuals. It might be questioned whether this property (considering the purposes to which it is applied) would be benefited in an equal ratio with the property of individuals.

JNO. LEONARD,
PETER STAGG,
SAM'L GILFORD, JUN.

New York, November 23d, 1833.

DOCUMENT NO. XVI.

BOARD OF ASSISTANTS.

NOVEMBER 28, 1833.

Report of the Street Committee, relative to the widening of Nassau street.

JOHN W. RICHARDSON, Clerk.

The Street Committee, in relation to the subject of widening Nassau street, from Wall street to Spruce street,

RESPECTFULLY REPORT,

That they have given to this subject their most serious and deliberate attention; and to this they have been the more incited, not only from the weight and magnitude of the subject itself, but also from the very great and absorbing interest which it has produced amongst all classes of our fellow citizens. It is needless here to attempt a recapitulation of the causes which have elicited the powerful expression of feeling on this

subject, which pervades the community, or to spread before this Board, any of the motives which have led to the measure now contemplated. The subject is too engrossing, and has been too much the theme of discussion, to need any such adventitious aid. The universally acknowledged necessity of additional avenues of communication between the upper and lower sections of the city, for the convenience and accommodation of the tens of thousands whose daily avocations render it necessary for them to urge their way along the present crowded thoroughfares, affords the most pressing and powerful reasons in favor of the proposed measure of widening Nassau street.

It is doubtless within the recollection of every member present, that during the first stages of this business, the Street Commissioner, by direction of the Street Committee of the Board of Aldermen, obtained an estimate of the loss and damage which it was supposed would be involved in taking the property required for widening this street. This was made by two persons, whose long experience as master builders, rendered them peculiarly fitted for such an estimate.

The result of the examination made by them, showed the sum of about seven hundred thousand dollars as being required for that purpose, and that Committee accordingly so reported.

The owners of property who were adverse to the measure, alleged this estimate of the value of the property to be taken, as wholly insufficient, and averred that instead of seven hundred thousand dollars being required, it would be found, in a closer investigation, that a sum amounting to at least twelve hundred thousand dollars, would be requisite to allow a just and equitable indemnification to the owners and lessees of the lots and buildings which it was necessary to take in the contemplated widening of Nassau street, according to the new lines as proposed on the map, and they accordingly em-

ployed three master-builders of established reputation, to make such valuation on their behalf. This estimate when completed, was presented to your Committee, and instead of twelve hundred thousand dollars, exhibited the sum of *five hundred and thirty-four thousand dollars*, as being the amount required, thereby showing the mistaken views of the value of the property, which were entertained by the parties adverse to the measure.

This was the state of the subject at the time it was opened for discussion, before the Street and Finance Committees of this Board, who, in order to obtain all the information and light of which the matter was susceptible, instructed the Street Commissioner to choose three persons who, from their experience, judgment and knowledge of the value of property, should be deemed well qualified to present an estimate of the amount of money required to carry into effect the contemplated alteration; and also to give their views as to the probable amount which could be reasonably raised within the usual range of assessments. The persons so nominated by the Street Commissioner, were Mess'rs John Leonard, Peter Stagg, and Samuel Gilford.

And the selection of these gentlemen, was doubtless as judicious as could have been made.

The result of their labors shows the sum of seven hundred and fifty-five thousand dollars, as the value of the land and buildings (including the amount of various leasehold interests) which would be required for widening the street, from Wall street to Spruce street, thus substantially confirming the estimate originally made by Mess'rs Tucker and Riley, and conclusively showing that the views of the parties who are opposed to the measure, as to the value of the property were vastly overrated.

Without intending in the least degree to call in question

the sound judgment or upright views of the three gentlemen before mentioned, as to the valuations made by them, it may very reasonably be inferred, they are altogether as high as could, under any circumstances be made. The very material and laubable bias of the human mind in similar cases (when the property of an individual is to be taken from him, because the public interest requires it,) being to allow the utmost ratio of valuation, of which the subject is susceptible, and with all due respect, your Committee are led to believe, that in some instances, they are excessive : as for example, that portion of the property belonging to the United States, which is required for widening the street, being twenty-five feet six inches on Wall street, and sixteen feet six inches on Pine street, and one hundred and ninety-seven feet ten inches on Nassau street, with the buiidings thereon, is estimated at one hundred and twenty-five thousand dollars. So likewise, that part of the property on the opposite corner of Nassau and Pine streets, belonging to the estate of Gardner, required for the same purpose, being sixteen feet six inches on Pine street, about the same in the rear, and sixty-four feet five inches on Nassau street, with the buildings, is estimated at forty-three thousand dollars, the elements of this last valuation are for ground, twenty-five thousand dollars ; for building, ten thousand dollars, and for leasehold interest, eight thousand dollars : now this piece of land contains but one thousand and sixty-four square feet, which is at the rate of fifty-eight thousand seven hundred and forty dollars for a lot of twenty-five by one hundred feet. Again, the property of F. Marquand, on Nassau street, between Liberty street and Maiden Lane, being forty-seven feet six inches on Nassau street, six feet nine inches at the westerly end, and eleven feet four inches at the easterly end, and containing only four hundred and thirty square feet, about one-sixth part of a lot, is estimated without the building, at seven thousand five hundred dollars, being at the rate of forty-three

thousand six hundred and four dollars for a lot of two thousand five hundred square feet. The building on this last mentioned lot is valued at two thousand five hundred dollars, making ten thousand dollars for the whole. Again, the property of Eliza Evertson, on the corner of Liberty and Nassau streets, being twelve feet one inch on Liberty street, thirteen feet seven inches in the rear, and seventy one feet five inches on Nassau street, and containing nine hundred and sixteen square feet is valued at fourteen thousand dollars, being at the rate of thirty-eight thousand two hundred and nine dollars for a lot two thousand five hundred square feet, and six thousand dollars are allowed for the buildings, making twenty thousand dollars for the whole. So likewise the ground of the Reformed Dutch Church required for the street, being twenty-three feet six inches on Cedar street, twenty-one feet on Liberty street, and one hundred and ninety-nine feet ten inches on Nassau street, containing four thousand four hundred and forty-six square feet, considerably less than two lots, is valued at sixty-six thousand five hundred dollars, and ten thousand dollars is also allowed for the vaults, making seventy-six thousand five hundred dollars together.

Your Committee here would beg leave to advert to the valuation made in respect to a portion of the same, properly belonging to the Dutch Reformed Church, in the late proceedings for widening Cedar street; in which ▪ piece of ground one hundred and eleven feet long, and nine feet three and a half inches wide, containing one thousand and thirty-one square feet, (nearly a fourth part of what would be required for Nassau street,) was taken, and the allowance made to them was one thousand five hundred and sixty-eight dollars and eight cents, and against which estimate of value, they do not appear to have objected. This instance is only mentioned to show the excessive increase of value which the

property seems to have acquired, in the short time intervening between the confirmation of that assessment and the present.

Having made up their estimate of loss and damage in the premises, the appraisers go on to show how much might be raised, by way of assessment, on the line of Nassau street alone, without having recourse to any imputed benefit, either on any of the intersecting streets, or on the extension of the line down Broad street, or upward along Chatham street; and they assume as a ratio, the amount of one hundred dollars per foot, front, after deducting the amount of fronts appertaining to the lands of the various churches respectively, by which they find the sum of three hundred and fourteen thousand five hundred and eighty-three dollars and thirty-three cents, and then proceed to assess the church lands at one-third of the rate at which the other property is assessed, and so charge the Baptist Church with one thousand six hundred and sixty-six dollars and sixty-seven cents, and the Dutch Reformed Church with six thousand three hundred and thirty-three dollars and thirty-three cents; and in the assessment on the Presbyterian Church, which has a front on Nassau street of two hundred and one feet, they charge the sum of two thousand five hundred dollars, being about one-eighth part of what the same quantity of front would be charged if it were private land.

It will be recollected, that in the estimate of damage, the land of the church is valued at the same extreme high rate as if it were land belonging to individuals, and available for all the beneficial purposes, by buildings or otherwise, to which individuals may profitably apply their property: and your Committee must be permitted to say, that they cannot see any good reason why the assessment for benefit should not apply, in the same ratio, to the church lands, as well as to the lands of private persons, since their allowance for

loss is founded on the same calculation. The impression appears to be generally received, that this difference arises by force of the statute, and that commissioners are compelled by law, to assess church lands at this reduced rate only. The Committee have examined closely into this point, and are entirely satisfied that no such law exists. The commissioners may, if they shall deem it right, assess church land in the same proportion as other lands, and as cases have already occurred (and in this special vicinity) in which the ground of churches has been sold by the church proprietors, and converted into building lots, and as the same may, and in all human probability will occur again, in repeated instances in the lower part of the city, your Committee would respectfully submit, whether equal and exact justice to all does not require that the quantum of benefit should not be made the measure of assessment: for, otherwise, ground which to-day belongs to the church, and is assessed at the reduced rate of one-third only, may, to-morrow, be sold for building lots, and the owners reap all the benefit of improvements, to which they have contributed only the one-third part of what they would have been called upon to furnish had the transfer taken place before the making of the assessment.

The appraisers now proceed to state the amount which may be charged against the City Corporation for one-third of the buildings, being sixty-four thousand three hundred dollars, and which sum added to the previous assessments proposed to be made, still leaves a deficiency of three hundred and sixty-five thousand six hundred and sixty-seven dollars to be raised elsewhere, and then go on to express the opinion that this is impracticable.

The sum of money, last mentioned is, beyond question, very formidable; and under ordinary circumstances, would appear to present difficulties hard to be subdued; but the

Committee are entirely convinced that the case under discussion, is of a singular character, and not to be judged by ordinary rules of practice. They fully believe that the benefits to be derived from this extension of the street, may with safety be said to extend far and wide, embracing all the property in Broad street, as far as the East River, and progressing upwards along Chatham street into the eastern section of the city; a large number of the inhabitants of which have recently memorialised the Common Council in favor of the measure. A reference to former acts of commissioners will show that instances have occurred in opening leading streets or avenues, which, from their location, must necessarily become great thoroughfares, and in which the assessments have been extended a great distance from the actual termination of the street opened; as was the case with the Third Avenue, in which the assessments were extended as far down the Bowery as Hester street, nearly a mile below the southerly termination of the Avenue. And no good reason appears to your Committee why the same causes may not in this case produce the same results.

Measures of a similar character, which have in years past been adopted by the Common Council, however they have been deprecated at the time, and have been deemed fraught with loss and ruin to the parties concerned, still have uniformly been attended with the greatest advantages to the owners of property. An acquaintance with the history of real estate in this city, furnishes the most decided and unequivocal proof of the soundness and truth of this position; and if the proposed measure in regard to Nassau street, be consummated, your Committee do most sincerely believe that Nassau street will shortly rival Pearl street in the value of its lots, and facilities for business, and which will also be realized in a great degree, on all the intersecting streets, and by this means justify its adoption.

From a careful review of all the points which present themselves in regard to this subject, your Committee see no reason to doubt the prudence or correctness of the very decided vote by which it has passed the Board of Aldermen, and respectfully, but earnestly, recommend a concurrence therein.

FRANCIS FICKETT,
DAVID HALSEY.

DOCUMENT NO. XVII.

BOARD OF ASSISTANTS.

DECEMBER 2, 1833.

Report of the Finance Committee, on the subject of printing the Reports made to this Board by their Committees.

JOHN W. RICHARDSON, Clerk.

Resolved, That all Reports of Committees, which contain a statement of facts, and the opinion of the Committee thereon, if adopted by this Board, shall be printed under the direction of the Clerk, and placed on the files of the members by the Sergeant-at-Arms.

Offered by S. ALLEN.

The Finance Committee, to whom was referred the annexed resolution, on the subject of printing the reports made to this Board by their Committees,

REPORT,

That they have ascertained from the printer to the Corporation, that the printing of the reports will cost about $1 25 per

page, or from $1 25, to $10 for each report, including the usual number furnished. This will probably add $1,000 per year to the city expenditures; the Committee think however, that the benefit to be derived will fully compensate for the expense. Instead of toiling through the minutes of the Common Council in order to ascertain what principle may have been established on particular questions, a ready reference may be made to any matter acted on, by applying to the printed volume.

The Committee consider the Legislative acts of the Common Council generally, of much more importance to the city, than those emanating originally from the Legislature of the State; because, every Legislative act required by the city government, originates with the Common Council, and undergoes the scrutiny and consideration of their Committees, before it is presented to the Legislature for sanction and enactment; and there scarce exists an instance, of the amendment or rejection of a Law petitioned for by the Corporation. The act is, in matter and substance therefore, an act of the Common Council approved by the Legislature. Now, the reasons offered by the Committee to which the propriety of applying for these acts have been referred, may be important in deciding any doubt that may be raised on their phraseology, and ought therefore be preserved in a printed form. The same may be said of reports, many of which, if printed, would tend, by the facts and reasons produced for or against a measure, or principle, to satisfy those immediately interested, and prevent repeated and discordant legislation on the same subject. To those who come to the Common Council as new members, the publication would be a manual of much importance, as well for a book of reference, as of precedent to avoid the wrong and adopt the right.

For many years the same course was pursued by the Legislature of this State, as that now pursued by the two Boards

of Common Council,—namely to print only such reports and documents as were occasionally ordered by motion or resolution; but it was found so difficult to keep correct files of the manuscript reports, and a reference to them was attended with so much labor and expense of time, that the plan has been abandoned, and now, they not only print the journal of both Houses, but every report of a Committee, even on unimportant subjects, requiring neither facts or reasons to sustain them.

The resolution however, which was referred to your Committee, only extends to such reports as contain a statement of facts with the opinion of the Committee thereon, and not to mere reports of concurrence, the reasons for which, and in favor or against the measure proposed, are given by the Committee of the other Board, with which the subject originated.

The Committee are of opinion, from the best consideration they have been enabled to give the subject, that the resolution ought to pass, and they accordingly recommend its passage to the favorable consideration of the Board.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

DOCUMENT NO. XVIII.

BOARD OF ASSISTANTS.

DECEMBER 2, 1833.

Report of the Finance Committee, on the subject of purchasing Rutger's Medical College for public purposes.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a report of a Committee of the Board of Aldermen, recommending the purchase of Rutger's Medical College, in Duane-street, for public purposes; and also a remonstrance against such purchase, by a number of the inhabitants and owners of property in that vicinity,

REPORT,

That the project of making the aforesaid purchase, originated in the Board of Health, on a resolution of that body, passed the first of July last, on the subject of providing some suitable place as a cholera hospital.

The resolution was referred to a Committee, who reported on the fifth of August following, in favor of purchasing Rutger's Medical College, in Duane street, for sixteen thousand dollars, which report was adopted by the Board of Health, and a resolution passed, requesting the Common Council to effect the said purchase.

On the ninth of September last, the subject was presented to the Board of Aldermen, and referred to the Finance Committee of that Board, and on the thirtieth of the same month, the said Committee reported in favor of the purchase, intimating that the building would answer "*either as a hospital or prison.*" This report was laid on the table, and on the eleventh of November last, was called up, when it passed in the affirmative, seven in favor, and six against.

The foregoing are the facts in the case, previous to the subject being brought before this Board, on the eighteenth of November last, and then referred to your Committee.

The object of the Board of Health undoubtedly was to provide a place for a hospital, in the event of this city being again visited by the cholera: but as the disease has not appeared, no necessity has existed for the effecting of the aforesaid purchase; and therefore, so far as the views and intentions of the Board of Health are concerned, they have been fully realized by the non-appearance of the disease.

The building, however, in the opinion of the Committee, is by no means suitable for the purpose of a curative hospital. Its situation is on a forty feet street, compactly built upon, and densely populated. The college fills the whole of the lot in front on which it stands, and extends back sixty feet, leaving but fourteen feet in depth for the yard.

This brief description of the site of the establishment must satisfy the Board, as the Committee think, that it is by no means a proper location for a hospital, which ought to be in an elevated and airy situation, and where the buildings and

population are few, or at some distance from the premises, in order that as little obstruction as circumstances will permit, may be opposed to a free circulation of the air, or the means of ventilating the apartments of the sick.

As a debtors' prison, if any such place can be wanted under our present insolvent and non-imprisonment acts, the same objection to the confined situation of the Medical College, will apply in that case, and with equal force as in the other. If men are to be immured within the four walls of a prison, for their inability to pay their debts, the least that we can do for them is to allow them the enjoyment of air and light, with the means of ventilation and cleanliness.

To purchase this place as a House of Detention or Bridewell, after the expense so lately incurred in fitting the present place of confinement for that purpose, would be, in the opinion of the Committee, a waste of the public money upon an object not required for present use, and doubtful as to its future utility.

The Committee are of opinion therefore, that the purchase ought not to be made, and accordingly offer the following resolution :

Resolved, That this Board non-concur with the Board of Aldermen in their resolution recommending the purchase of Rutgers' Medical College for public purposes.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

DOCUMENT NO. XIX.

BOARD OF ASSISTANTS.

DECEMBER 2, 1833.

Report of the Finance Committee on the petition of Albert Ruggles.

JOHN W. RICHARDSON, Clerk.

The Finance Committee to whom was referred the petition of Albert A. Ruggles, praying for the payment of ninety-one dollars, for injury to a wagon and horses, occasioned by the neglect of those employed in laying down the Corporation water pipes,

REPORT,

That the Committee have had a personal interview with the petitioner, together with Mr. Howe, the Commissioner of the Fire Department, under whose direction the water pipes are laid. The petitioner states, that on the tenth of April last,

at about eight o'clock in the evening, and when there were no lamps lit in the street, he was precipitated with his horses and wagon into an excavation opposite the hospital in Broadway, made for the purpose of laying down the said water pipes. That the horses were badly and seriously wounded, and the wagon and harness materially injured, for which he had to pay the owner, Mr. John Anderson, of whom he hired the same, the sum of ninety-one dollars; a voucher for which he has produced to the Committee, and is hereunto annexed.

Mr. Howe stated that he was informed of the accident to Mr. Ruggles the next day, by Alderman Mandeville. That he has used every precaution to guard against these occurrences, and for that purpose, places lights over these excavations, in order that they may be avoided by travellers; but that they are frequently removed by boys and others, which he supposes to be the fact in the case under consideration.

The foregoing are the facts in the case, and on which the Committee are not disposed to comment; but they presume it requires no reasoning to show the validity of the claim made by the petitioner, the Corporation being as strongly bound by the law of the land to redress an injury caused by the neglect or omission of their agents, as an individual is. The Committee therefore propose the following resolution:

Resolved, That the Comptroller draw his Warrant in favor of Albert A. Ruggles, for ninety-one dollars, in full, for damages sustained by him in consequence of an excavation in the street, made by order of the Commissioner of the Fire Department.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

DOCUMENT NO. XX.

BOARD OF ASSISTANTS.

DECEMBER 2, 1833.

Report of the Finance Committee on the disposal of parts of the Warren and Southampton Roads.

JOHN W. RICHARDSON, Clerk.

The Finance Committee to whom was referred a communication from the Street Commisioner, on the disposal of parts of the Warren and Southampton Roads to the executors of the late John Hone, deceased,

REPORT,

That on the fifteenth of August last, the Common Council agreed to leave the valuation of such parts of the said roads as should join the land of the late John Hone, to be appraised by three persons, one to be appointed by the Com-

mon Council, one by the executors, and one by the two thus appointed.

John Leonard was accordingly appointed on the part of the Corporation, John Aspinwall on the part of the executors, and Henry Rankin as the umpire. It appears that on the fourth of November last, the said appraisers decided, after having heard the parties by their counsel, that the executors should pay the Corporation $4,071 68, for the gores of land described in the arbitration bond, hereunto annexed. This sum, as the Committee are informed, is much less than the real value of the land, although *ten per cent.* was added by the appraisers to the actual costs and expenses incurred by the Corporation.

By the act of April the 20th, 1818, the Corporation are bound to pay the damage, however great, which may be sustained by the owners or lessees of lands injured by the closing of any road, street, &c. This damage may in some cases, be much greater than the value of the land conveyed by said act to the Corporation, and laying in the street or road so closed. It appears but just and equitable therefore, when, as in the present case, the land is worth more than the damage, that the Corporation should reap the benefit. The precedent having been established, however, in the case referred to your Committee, of allowing the owner of the land fronting on a road thus closed, to pay the damage and expense incurred by the Corporation, with an addition of ten per cent., the said Corporation conveying to such person the property so situated and so acquired by them, the Committee have presumed the same rule will be expected to operate in future cases; and in order to avoid the expense of carrying every subject which may arise under the closing of Fitzroy, Warren and Southampton Roads, before appraisers, they propose for the consideration of the Board the following resolution:

Resolved, That in all future cases (except those of John Jacob Astor and Peter Fleming, on which an appraiser has been appointed by the Common Council,) arising under the operation of closing the Fitzroy, Warren and Southampton roads, between the Corporation and the owners of land damaged by the operation, relative to the price to be paid by said owners for such parts of said roads to the centre thereof, as may be joining their land, the Street Commissioner be and is hereby authorised to settle with the said owners, or such of them as shall conclude to purchase parts of said road as aforesaid, between the date of the passage of this resolution, and the first day of May next, upon the same principle and terms as those fixed by the appraisers in the case of the executors of the late John Hone deceased.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

DOCUMENT NO. XXI.

BOARD OF ASSISTANTS.

DECEMBER 16, 1833.

Report of the Finance Committee on application in behalf of the Northern Dispensary.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred an application from the Northern Dispensary for aid, together with a report of a Committee of the Board of Aldermen, in favor of granting said institution $400, half for the use of the vaccine department, and half towards their ordinary expenses,

REPORT,

That the institution alluded to is of recent origin; and as the petition is confined to a mere application for aid, the Committee have no data upon which to form a judgment of the beneficial results of its operations.

The New York Dispensary was the first of the kind established in this city, and has long been patronised by the Common Council; and from the operations of that institution, as set forth in their reports, the Committee are satisfied of its value and general utility; particularly in its vaccine department, which has tended to prevent the spread, among a portion of our population, of that loathsome disease, the small pox.

The Committee have no reason to doubt the utility of the Northern Dispensary; but it is their opinion, that while the Common Council are patronizing its operations by annual donations, they ought to be made acquainted with its concerns, so far at least, as relates to the disbursement of the funds with which the institution is supplied from the City Treasury.

The New York Dispensary has been allowed $600 per annum towards the expense of the vaccine department, and $500 annually towards the ordinary expenses of the Institution. In applying for the first of these sums, they are bound to lay before the Common Council an account of the number of males and females vaccinated during the year, designating the number vaccinated at their own dwellings, and those vaccinated at the office of the institution. In applying for the second of these sums, a statement of the annual receipts and expenditures of the Institution ought to be laid before the Common Council, in order that they may be enabled to form some judgment whether the money appropriated has been beneficially expended or not. To effect this object with both institutions, the Committee propose the following resolutions:

Resolved, That this Board concur with the Board of Aldermen, in their resolution appropriating four hundred dollars to the use of the Northern Dispensary, upon the following conditions,—*viz*: That before the Comptroller shall issue his Warrant for the said sum, the Trustees of said Dispensary

shall furnish him with a statement, showing the number vaccinated by the said institution during the year; and also a statement, by way of account current, showing the receipts and disbursements of the institution for the year; which statements, or a copy thereof, it shall be the duty of the Comptroller to lay before both Boards of the Common Council at their next meeting after the receipt of the same.

Resolved, That hereafter, no grant of a donation shall be made to the vaccine department of the New York Dispensary or to the vaccine department of the Northern Dispensary, until they shall furnish the Common Council with a statement of the number of males and females vaccinated during the year, designating those vaccinated at their dwellings and those vaccinated at the office of the respective institutions, with such remarks as may be deemed proper; and no grant of a donation shall be made towards the ordinary expenses of said institutions, until they shall respectively lay before the Common Council an account of their receipts and expenditures for the year.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

Communication from the Comptroller, with statements from the Northern Dispensary.

In performance of the duty enjoined on him by the resolution of the Common Council, (a copy of which accompanies this communication,)

The Comptroller now lays before the Board of Assistants, the statements required from the Trustees of the Northern

Dispensary: on the receipt of which, and pursuant to the directions of the said resolution, he issued a Warrant in favor of John De Lamater, Treasurer of the Northern Dispensary, for the sum of four hundred dollars, under date of the 9th December instant.

Respectfully submitted, by

T. J. WATERS,
Comptroller.

New York, December 16, 1833.

Dr. Northern Dispensary in Account with John De Lamater, Treasurer. Cr.

April 1, 1832.			
To Cash paid Physicians for extra services,		$100	00
" " Uriah Turner, Apothecary, -		450	00
" " Uriah Turner, sundry expenses,		45	28
" " B. C. Brown, for printing, -		46	30
" " Fuel, - - - - -		40	06
" " Cleaning and Whitewashing, -		13	50
" " William J. Roome, for painting,		35	50
" " Austin E. Webb, Ass't Apothecary,		50	00
" " Peter Ammerman, for groceries,		31	99
" " Thomas Ewbank, repairing pump,		2	50
" " A. Simmons for case of drawers,		3	25
" " Globe Insurance Company, -		13	50
" " George Tieman, for instruments,		9	12
" " N. B. Holmes for stationery, -		7	26
" " Clark & Co. for medicine, -		490	90
" " Altering 2d story of building and fixtures, - - - -		292	87
" " Advertising, - - - -		3	22
	$1,635	65	

April 1, 1832.			
	By Cash received from Board of Health, - - -	$250	00
Feb. 17, 1832.	" Corporation of the city,	200	00
" "	" John Mason, Esq. donation,	50	00
" "	" Collection in St. Luke's Church, - - -	42	65
" "	" Subscribers, - -	278	90
April 1, 1832,	In Treasurer's hands, -	330	64
April 1, 1833,	Deficit, - - - -	483	46
		$1,635	65

Respectfully submitted,

JOHN DE LAMATER, *Treasurer.*

To the Honorable the Corporation of the City of New York.

Extract from the Sixth Annual Report of the Northern Dispensary.

The whole number of patients admitted to the benefit of the Dispensary during the year ending April 1st, 1833, is three thousand two hundred.

Of these there have been Cured, - - -	1,566
" " " " Relieved, - - -	97
" " " " Incurable, - - -	3
" " " " Died, - - -	18
For various causes discharged, - - -	10
Sent to Alms House and Hospital, - - -	27
Result unknown, - - - - - -	96
Vaccinated, - - - - - - -	131
Cholera, Diarrhœa, Bowel complaint &c. during the prevalence of the Cholera,	1,252
Making a total of	3,200
Of the above, there were Females, - - -	1,664
" " " Males, - - -	1,536
Of the Vaccine patients, there were born in New York,	103
In other places, - - - - - -	28
Of other patients, there were born in New York,	853
In New Jersey, - - - - - -	55
Pennsylvania, - - - - - -	23
Delaware, - - - - - - -	2
Maryland, - - - - - - -	3
Virginia, - - - - - - -	10

South Carolina,	1
Connecticut,	22
Massachusetts,	16
Vermont,	5
Rhode Island,	6
Maine,	1
Ireland,	1,539
England,	292
Scotland,	167
Wales,	34
France,	6
Germany,	15
Prussia,	1
Africa,	1
Canada,	8
Nova Scotia,	1
West Indies,	1

DOCUMENT NO. XXII.

BOARD OF ASSISTANTS.

DECEMBER 30, 1833.

Report of the Finance Committee, on the petition of Patrick Moran, for additional aid in repairing his house in the Third Avenue.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a report from a Committee of the Board of Aldermen, on the petition of Patrick Moran, for additional aid in repairing his house in the Third Avenue,

REPORT,

That by the papers referred to your Committee, it appears, that the petitioner founds his claim for relief, on the fact that in regulating the Third Avenue, his house was left at some

distance above the level of the street ; and in blasting rocks it was more or less injured.

In October, 1831, he presented a petition to the Board of Aldermen, claiming an amount sufficient to make good the damage done his property by the aforesaid operations. This was referred to the Committee on Streets, who reported, that he had no legal or equitable claim for damage ; but, that his situation may entitle him to assistance as an act of charity, and they propose therefore, that his petition be referred to the Committee on Charity and Alms House, which was accordingly done.

In December, 1831, the Committee reported, that taking into consideration the petitioner's misfortune in being deprived of sight, and having a large and helpless family dependent on him, they recommend that he be paid the sum of $300, which was adopted by both Boards.

In October, 1834, he presented a petition to the Board of Assistants, stating that the amount voted him in 1831, was insufficient to put his house in repair, and praying for further relief. This petition was referred to a special Committee, who reported a resolution, that the Committee on Charity and Alms House cause the sum of $350 to be expended on the house of Patrick Moran, on the Third Avenue, in repairs. Which resolution was adopted by the Board of Assistants.

In the Board of Aldermen, this report and resolution was referred to the Finance Committee. In January, 1833, this Committee reported very fully on the subject. That they are unable to agree in the view taken by the Board of Assistants. That Mr. Moran being blind, cannot be a reason for indemnifying him for damages not attributable to the acts of the Corporation or its officers. The Committee deny that the petitioner was misled by information from the Street Commissioner, as to the grade of the Avenue, when he built his house. They insist that he has no legal claim,

and although he may be a sufferer by cutting down the avenue, no such evidence of his poverty had been laid before the Committee, as to induce them to think he was an object of public munificence beyond what he had already received. They therefore recommend, a rejection of the resolution passed by the Board of Assistants—which was adopted.

It appears, a Committee of Conference was requested by the Board of Assistants, on the disagreement between the two Boards, which Committee was accordingly ordered. A majority of this Committee reported on the fourth of February, 1833. They state, that the petitioner, in a former petition, asked for the sum of $500, which was thought and admitted by him, sufficient to lower his house and enable him to commence his business; they therefore recommend that the Comptroller draw his Warrant in favor of the petitioner for $200, which report was adopted by both Boards.

The petition now under consideration by your Committee, was presented to the Board of Aldermen on the 9th of September last, and referred to the Finance Committee, who reported on the 30th of that month, that in their opinion, the reference ought to be made to the Committee on Charity, and offered a resolution to that effect, which was adopted.

This Committee reported on the 9th of December instant. The Committee go into a detailed account of the petitioner's case; that he lost his sight by the blasting of rock in a well, that in regulating the Third Avenue, his house was obliged to be lowered from ten to fifteen feet; that he has received $500 from the Corporation, but this sum is not sufficient to complete the repairs of his house; that they requested the Superintendent of Building to examine the premises, and report the sum required to put them in repair, and that he reports $398. They are therefore of opinion, that the petitioner is

a subject of charity, and recommend that the Comptroller draw his Warrant for $300, in favor of the petitioner.

Your Committee have consulted the Superintendent of Building on the subject of the aforesaid estimate. He stated that he did not confine his estimate to the damage sustained by the digging down of the avenue and the blasting of rock, but included every thing which the petitioner pointed out to him, such as finishing a basement story to the house, when originally, the building had no such story. In order therefore, that a true account of the damage might be obtained, the Superintendent was requested to select some capable mason, and again repair to the building belonging to the petitioner, and estimate the damage done the premises by digging down the Third Avenue, and by the blasting of rocks in that vicinity. His report is as follows, and is hereunto annexed.

Sir.—Agreeably to your request, I have, with a mason, estimated the expense of the damage done to Mr. Moran's house on the Third Avenue and by blasting of rocks.

Front and back stoops, . . .	$26 00
Plank boards, &c.	13 00
Nails, ...	9 00
Carpenter's work, joist, &c. . . .	31 00
Mason work at house, . . .	90 00
Cost of cellar walls, and time, . .	168 00
Lowering the house, ...	80 00
	$417 00

To S. Allen, Esq.
Dec. 20, 1833. } Jacob P. Roome, Supt. of Building.

Thus it appears, the petitioner has already received from the City Treasury, *eighty-three dollars*, more than the whole amount of damage he has sustained by the grading of the

Third Avenue, and the blasting of rocks in the vicinity of his premises.

Your Committee are unable to perceive any reason whatever, for bestowing *five hundred dollars* of the public money upon a person circumstanced as was, and is, the petitioner. It is admitted by all the reports cited on the subject, that legally, he has no claim. Instead of claim on the Corporation, consequent on the regulating of the avenue in front of his property, if justice had been done the public, he and others owning property on that avenue, would have been assessed for the expense of such regulation, which has uniformly been the case in regulating the streets in other sections of the city. There cannot be a doubt therefore, in the opinion of the Committee, that the property of the petitioner has been benefited by the operation, far above any injury he has received, and still he has been paid $83 more than the sum required to place his house in as good a condition as it was before the regulating of the street was effected. The Committee of the Board of Aldermen however, do not consider this sufficient, and accordingly, recommend an additional sum to be paid him of $300, because they believe the petitioner is a subject of charity.

Your Committee are not insensible to the calls of charity, and think they feel disposed to afford relief to the needy as readily as others do. It is the opinion of your Committee however, in order that the public beneficence may be properly and judiciously directed, that it should be distributed by those selected and appointed for the purpose, whose special duty it is made to examine into the circumstances of the poor and needy, and to grant them such relief as the necessity of their respective cases may require.

The Committee cannot admit however, that the petitioner is an object requiring the public bounty, either through the intervention of this Board, or the Commissioners of the Alms

House. The real estate of the petitioner is presumed to be worth several thousand dollars, and so long as he is the possessor of this estate, he cannot be an object of charity, nor is his situation such as entitles him to any portion of the money assessed on our constituents for the support of the poor.

Your Committee deem it inexpedient therefore to adopt the report of the Board of Aldermen, and recommend the following resolution :

Resolved, That this Board do not concur with the Board of Aldermen in their resolution directing the Comptroller to draw his Warrant on the Treasurer for $300 in favor of Patrick Moran.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXIII.

BOARD OF ASSISTANTS.

DECEMBER 30, 1833.

Additional Report of the Street Committee on the subject of widening Chapel Street.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred back the subject of widening Chapel street, from near Leonard street to College Place,

RESPECTFULLY REPORT,

That they have again had the subject under consideration, and have had the parties opposed to the measure before them, and patiently heard them, to the end that the Committee might have the whole facts before them, and it does appear that of the fronts required to be taken for the widening of said street, from near Leonard street to Reade street,

comprising on both sides, a front of one thousand eight hundred and thirty-two feet two inches; that the owners and lessees of one thousand four hundred and fifty-five feet four inches, oppose the measure, a result very different from that entertained by your Committee heretofore, and such as has caused them to be of an opinion that the widening on the one side would unite the interest of the parties, so that the measure might be carried into effect, and prove satisfactory to all concerned.

But your Committee feeling as they do, the weight of responsibility which rests upon them, in reporting upon this great and costly improvement, it has caused them to labor incessantly, through their Chairman, for a number of days, in making repeated examinations of the condition of the street and buildings in question, with an earnest desire to arrive at a correct conclusion under all the circumstances of the case, and from their own view, they had entertained the opinion that all the opposition to the measure was not real, but intended to have its effect with the Commissioners, in the event of the improvement going into effect, and the fact has been clearly demonstrated: in this instance we find a gentleman of the first respectability opposing this improvement, while it was pending before the Board of Aldermen, and finding there were doubts of its passing this Board, owing to his, with the objection of others to the measure, he appears before the Committee, and states that although his property would be taken in the event of widening the street, he nevertheless is of opinion that the improvement would be a good one, and that it should be carried into effect: he had opposed it heretofore because he was informed he must make a great noise if he intended to get paid for his property.

This gentleman now withdraws his opposition, and hopes the improvement may be carried into effect.

As to the owners on the line to be taken from Reade to

Murray street, the most valuable part of the property, there appears to be no very important objection.

The Committee are entirely satisfied from repeated investigations, made by their Chairman, and consulting with those who have opposed the measure, that they, the remonstrants, are fearful they have opposed the improvement too strenuously for their own interest, and there is no doubt in the minds of your Committee, but that they have a secret desire to have the street widened on both sides.

It is to be expected of persons about to have their property taken for public use, that they will at least make a show of opposition, for the purpose of exciting the sympathy of the Commissioners; a course, in the opinion of your Committee, perfectly natural, and no doubt has the desired effect; and the Committee hope the day is far distant when an individual shall have his property taken for public use, without a full and sufficient indemnification.

It appears from past experience, that widening and extending streets in the heart of the city, have uniformly been a source of profit to all concerned, by the increased value of their lots. In a public point of view there is no doubt it has its influence in sustaining the Treasury rather than to depress it.

When an important measure like the one under consideration is carried into effect, the old and decayed buildings come down and elegant buildings are erected in their place on the street, and thereby increase the taxable property in a few years sufficiently to reimburse the Treasury for the amount the public have been called upon to contribute, to effect such improvement, and certainly, in a moral point of view, it is very evident that the widening of the street in question, would have a very desirable influence in cleansing the neighborhood, and removing the nuisances that are now permitted to remain.

The question may arise, where are the poor to go? They must be provided for somewhere; and in the opinion of the Committee, the question may be answered—go where they may, they cannot do worse. While on this subject, they beg leave to volunteer an opinion as to the duties of the public authorities: the poor, honest and industrious class of our fellow citizens, are justly considered the bone and sinew of the nation, and they look up to the authorities for, and ought to receive their protection from the iron grasp of their unfeeling landlords, whose thirst for gain induces them to erect shanties, nearly covering their whole lot, and stowing from forty to fifty human beings, together, thereby endangering their lives and the health of the neighborhood: and when the fell destroyer appears, as was the case in the summer of 1832, (long to be remembered by all who witnessed its effects,) these magnanimous landlords flee from the scene of distress, and leave the city authorities to grapple with disease and death, and witness the sufferings of their fellow creatures, in many instances truly heart rending beyond description. Your Committee are aware that they are digressing from the subject under consideration; but they feel confident that this is the proper time to move in this humane cause, by endeavoring to better the condition of the poor, by preventing their being stowed into wet cellars, and open garrets by the dozen, as is now the case in different parts of the city.

The Committee here beg leave to add, that in their opinion, the street should be widened on both sides, and when the new buildings go up, they should be constructed with a view of raising the street, which, in the opinion of the Committee, must necessarily follow the widening, or the improvement would not be complete.

With these views, the Committee unite in opinion, and earnestly recommend a concurrence with the Board of Al-

dermen, in their report and resolution, on the widening of Chapel street, from near Leonard street to Murray street.

FRANCIS FICKETT,
GEORGE SUTTON,
DAVID HALSEY.

DOCUMENT NO. XXIV.

BOARD OF ASSISTANTS.

DECEMBER 30, 1833.

Report of the Committee on Arts and Sciences, relative to Public Schools.

JOHN W. RICHARDSON, Clerk.

The Committee on Arts and Sciences, to whom was referred the resolution to inquire "whether any mode could be adopted to induce a greater number of pupils to attend the public schools," conferred at length with the trustees of the public schools in relation thereto, and beg leave to report the following as the result of their inquiries.

In a report of the Commissioners of School Money, it is stated that the trustees of public schools had reported but four thousand five hundred and thirty-six pupils; and that there had been paid therefor, the sum of seventeen dollars and three cents each, amounting to seventy-seven thousand two hundred and forty-eight dollars and eight cents; thus

conveying the idea to those unacquainted with the principle on which the Commissioners made that report, that there must have been an extravagant expenditure of the public money. On further inquiry, your Committee are enabled to state, that the law requires that the Commissioners include in their annual report, all the subject matter embraced in the several reports received by them from the societies or schools participating in the common school monies; and that this inadvertent omission to do so has occasioned the present erroneous impression.

In the report to the School Commissioners, made by the Public School Society, of the number of children taught in their schools, from May, 1832, to May, 1833, of legal age, it was stated that the total number taught was nine thousand and eighty-one, and that this number did not include four hundred and twenty-eight under four years of age; that the number of children on the register of the schools on the first of May, 1833, was seven thousand eight hundred and twenty-six: that the average attending scholars, between four and sixteen years of age, obtained in the manner prescribed by law, was four thousand five hundred and thirty-six; but that the prevalence of cholera had lessened the number to a considerable extent, and that the use of the prescribed division of five hundred, instead of the actual number of school cessions, made a difference of one thousand one hundred and ten, as the actual average attendance was five thousand six hundred and forty-six.

To illustrate the principle on which the report alluded to was made.—If a school has three hundred pupils, and there are but two hundred average attendants, two hundred only would be entitled to draw on the school fund, while three hundred scholars receive instruction. The trustees further state that of the amount of monies received by them the past year, seventeen thousand dollars was paid on account of the debt due from the society; fourteen thousand dollars for lots;

twelve thousand three hundred and seventy-five dollars for new buildings, and four thousand two hundred and eighty-nine dollars for preparing rooms for primary schools, interest, &c. All of which sums do not belong to the *common* annual expense for instructing the children, as is made to appear in the report alluded to. The actual amount for instruction only, instead of being seventeen dollars and three cents per scholar, is but about four dollars per annum per scholar. The following was the number of children belonging to the public schools, on the first of November, 1883 :

On Register of	13 boys' school,	3285	
	13 girls' "	2400	
	6 primary departments,	2313	boys & girls.
	14 " schools,	1496	" "
	4 evening "	702	males.
		10,196	
Subsequent opening of No. 14, (this amt. has been probably increased,)		500	
Total number of scholars receiving instruction, and of which about 70-100 are in daily attendance,		10,696	

Your Committee, in conclusion report, that the desirable object embraced in the resolution "to increase the number of scholars in the public schools," has long since received the attention of the trustees, and that experiments are now making in some of the smaller primary schools, to test the principle of making the salary of the teacher depend in part on the number of the pupils. The objects of the resolution having been anticipated by the trustees, your Committee beg leave to be discharged from the further consideration of the subject.

MORGAN L. SMITH,
J. AUG. SMITH,
E. H. WARNER.

DOCUMENT NO. XXV.

BOARD OF ASSISTANTS.

JANUARY 6, 1834.

Resolutions of the Finance Committees of both Boards, as Committee of Conference. Ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Resolved, That hereafter in all cases of delinquency in the payment of any assessment for work done under any contract made by any contractor, with the Mayor, Aldermen and Commonalty, in respect to any street or road, on a final settlement with every such contractor in any such case, the Street Commissioner shall allow and pay to every such contractor, as much and all such interest money as shall have been collected on his respective account or contract, on such delinquent assessment, first deducting the collectors' commissions, according to their respective contracts. And that every such contract hereafter to be made, shall contain a clause providing for the payment of such interest to the

contractor therein named ; and that this resolution shall also apply to contracts for building wharves, piers and slips, and also, to the building of canals and sewers, and also, to all such like contracts.

Resolved, That the foregoing resolutions shall apply to and embrace the cases of Christopher Keyes, and of Hugh Smith and Peter Smith, referred to this Committee, and to all such like cases wherein there has yet been no final settlement.

DOCUMENT NO. XXVI.

BOARD OF ASSISTANTS.

JANUARY 13, 1834.

Report of the Finance Committee on the Memorial of James P. Allaire.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a memorial of James P. Allaire, requesting the payment of a certain bill for work and materials furnished by the late Isaac Stevens, for the Rotunda building in the Park,

REPORT,

That Mr. Allaire applies as executor to the estate of Isaac Stevens, deceased, and states that among the debts due the estate is an account against the owners of the Rotunda for work and materials furnished in covering the roof of that building with sheet copper. The nett amount of this account

is $360 17, but the petitioner also charges the interest on the same for 12 years, amounting to $315 in addition.

The ground on which this building was erected was leased to Mr. John Vanderlyn by the Corporation for the term of nine years from May, 1817, free of rent, but subject to the condition that at the expiration of the said lease, the land with all the improvements thereon, should revert to the Corporation.

It appears that most if not all the bills due the mechanics and others who erected the Rotunda and furnished the materials for the same, remained unpaid by Mr. Vanderlyn, when in 1819 he became insolvent, and assigned all his interest in the building to James Smith, Esq. for the benefit of his creditors. Mr. Smith, while the lease had some few years to run, exposed the establishment at auction, and nine of the creditors whose demands amounted to $3,540, purchased the unexpired interest of Mr. Vanderlyn in the building, with the hope of remunerating themselves for the expense they had incurred in its erection. In this, however, it appears they were defeated by the obstinacy of Mr. Vanderlyn, who continued to hold possession of the premises until the expiration of the lease, when he was compelled in due course of law to surrender, in accordance with the conditions of that instrument.

In January, 1831, the purchasers of the Rotunda, petitioned the Common Council for a renewal of the lease, or to pay them such sum as might be deemed just and equitable for their right to the premises; which petition was referred to the Finance Committee.

In March following, the Committee reported that the Rotunda building was legally and in accordance with the terms of the lease, the property of the Corporation; but as they have become the owners of a building without paying for its erection, and such building has been appropriated to public

purposes, they ought under the circumstances, extend relief to the applicants, paying to them the balance still due on their original claims, without interest; and they offered a resolution to that effect, which was adopted.

Mr. Stevens' name does not appear among the petitioners, nor was he included in the number of those who purchased from the assignee the remaining interest of Vanderlyn in the premises. It appears however, by a note at the foot of Mr. Allaire's petition, that the same paper in substance was presented to the Common Council on the 18th of April, 1832, but what disposition was made of the subject, the Committee have not been able to ascertain.

Your Committee are clearly of opinion that no legal claim exists against the Corporation for any debts contracted by Mr. Vanderlyn in erecting the Rotunda, any more than there would be for any other debts he might have contracted; but as the precedent has been established by the payment of the nett amount without interest, due the petitioners of 1831, the Committee consider themselves bound in equity, to recommend the same rule in the present case, and they therefore propose the following resolution:

Resolved, That the Comptroller issue his Warrant on the Treasurer, in favor of James P. Allaire, executor to the estate of the late Isaac Stevens, for $360 17, in full, for certain materials furnished and work done for John Vanderlyn, on the Rotunda building in the Park, and that he charge the same to some appropriate account.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXVII.

BOARD OF ASSISTANTS.

JANUARY 13, 1834.

Report of the Finance Committee, on a communication from the Comptroller, relative to the estate of an Intestate, named Michael Campbell.

JOHN W. RICHARDSON, Clerk.

The Finance Committee to whom was referred a communication from the Comptroller, relative to the estate of an intestate named Michael Campbell,

REPORT,

That it appears, letters of administration were granted to the Public Administrator on the estate of the said Michael Campbell, he having died intestate within this city and county, and that $213 42, has been paid the Treasurer of this city, being the proceeds of said estate, after deducting expenses. Cer-

tain persons claiming to be the heirs of the intestate, and residing in Ireland, in the kingdom of Great Britain, have executed a power of attorney in favor of James Buchanan, Esquire, the British Consul, authorising him to receive from the Public Administrator, any property in his possession belonging to the said Campbell. This power is regularly authenticated as to the signing and sealing, but there is no evidence that the persons executing are the heirs of the intestate. This defect was attempted to be supplied by an indemnifying bond against claims for debts or next of kin hereafter to be made; but it was deemed insufficient by the Comptroller, and he has therefore submitted the matter to the Common Council.

Your Committee are also of the opinion that the papers upon which the demand is founded are insufficient for the want of evidence of identity. If it shall once be admitted that persons claiming to be heirs, may by their attorney, demand and receive the proceeds of intestate estates administered on by the Public Administrator, with no further evidence of their heirship than a general declaration that they are the heirs, a precedent will be established that may result in loss to the Treasury and fraud in the application. If the persons thus applying and receiving, should prove to be spurious or fraudulent applicants, and the true heirs should afterwards appear, and sustain their claim against the Corporation, there would be no other alternative except a repayment by the Treasurer of the sum claimed.

Your Committee are of opinion, therefore, that the Comptroller was correct in declining under the circumstances of the case, to affix his signature to the check for the payment of the balance due the estate of the intestate, without further proof of the identity of the claimants. They accordingly propose the following resolution:

Resolved, That before payment to the heirs of an intestate,

the Public Administrator and Comptroller shall be satisfied as to the identity of the persons claiming to be such heirs, and if positive evidence cannot be adduced, then the best evidence must be furnished that the nature of the case is capable of.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXVIII.

BOARD OF ASSISTANTS.

JANUARY 13, 1834.

Report of the Finance Committee, to whom was referred a communication from the Comptroller, asking an appropriation of $4,794 95, *for grading and regulating Union Place.*

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a communication from the Comptroller, asking an appropriation of $4,794 95, for grading and regulating Union Place,

REPORT,

That this application was made to the Board of Aldermen on the 23d of December last, and by them unanimously adopted; and it is presumed by your Committee, as the service has been performed, it must be concurred in by this Board. The Committee will therefore only make the passing remark,

that the resolution under which this debt was incurred, is one of those acts which will derange the best constructed plans of finance that can be conceived. In this case, the work was ordered to be done on the 20th of April last, just before the members of the Common Council of that year went out of office; but no estimate was entered into as to the amount of cost, or appropriation made for the object of expenditure.

The amount that may be legally expended annually by the Common Council, is confined within certain prescribed limits, which cannot be exceeded without a violation of law; namely, the ordinary rents and other revenues of the city, amounting to about $175,000, and the taxes which may be authorised by act of the Legislature.

By the 19th section of the Amended Charter, the Common Council are prohibited from borrowing any money except in anticipation of the aforesaid revenue. If however, debts are contracted without the knowledge whether the means are possessed or not to pay them, how are we to know, but that we are exceeding the income of the year, and thus violating a fundamental law under which we exist as a corporation?

It is a matter of but ordinary occurrence, for projects of improvements to be reported and passed upon, where large sums are to be paid by the Treasurer, without the least information being communicated to the Common Council, as to the means in possession to meet the demand. Your Committee would respectfully suggest therefore, whether it would not be a salutary measure, after a Committee to whom any subject had been referred requiring an expenditure of the public money to carry it into effect, shall have considered and reported in favor of the propriety, utility, and necessity of the measure, that so much of the matter as relates to the ways and means to be provided by the Corporation, be referred to

the Finance Committee to report thereon. The Committee propose the following resolutions :—

Resolved, That this Board concur in the ordinance appropriating $4,794 95, to defray the expense of grading Union Place to the City level.

Resolved, That no project of improvement which shall require an expenditure of the city revenue, exceeding the sum of five hundred dollars, shall be carried into effect until the ways and means shall be first ascertained ; and for this purpose, that part of the subject shall be referred to the Committee on Finance to report thereon.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXIX.

BOARD OF ASSISTANTS.

JANUARY 13, 1834.

Report of the Finance Committee on the petition of Henry Jackson.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a report from a Committee of the Board of Aldermen on the petition of Henry Jackson,

REPORT,

That the petition of Mr. Jackson relates to a gore of land, fronting on 17th street, of which he claims to be the owner. The land here alluded to, was heretofore assessed to the Corporation by the Commissioners for opening said street; and on the 7th of October last, a petition was presented to this Board by James Hay, and Daniel Lord, Jr. as executors of

the late John Cowan, whose land surrounds the said gore, requesting that the said gore might be sold to them at a fair and reasonable price.

This petition was referred to your Committee, who reported on the 21st of October in favor of selling the said gore to the petitioners, for the sum of $3,000, and in the event of their declining to make the purchase, that the Comptroller sell the same at public auction for cash to the highest bidder. At the date of this report, your Committee, as well as the Street Commissioner and Comptroller, were entirely ignorant of the claim made by Mr. Jackson as well as the peculiar circumstances attending that claim.

It now appears, that although the assessment for opening 17th street was confirmed in April 1831, and ordered by the Common Council to be opened in the May following, still the improvement was not completed, the assessment collected, and the awards paid until 1833. During this interval, Mr. Jackson has been twice required by the officers of the Corporation, to fill in the said gore of land, which was effected at his individual expense; the Commissioners for opening Union Place have assessed the said gore as the property of Henry Jackson, for ninety dollars, as benefits; the Commissioners for opening the Fifth Avenue have done the same, and the annual Corporation tax on said gore has been regulalarly paid by him to the Collector of the Ward.

Under these circumstances, your Committee are of opinion, that the gore of land alluded to, ought to be quit-claimed to Mr. Jackson, at the amount it has cost the Corporation, and with this view they propose the following resolution:

Resolved, That the Counsel under the supervision of the Street Commissioner, prepare and have executed, a deed of quit-claim from the Corporation to Henry Jackson,

to the gore of land fronting on Seventeenth street, and which formerly was attached to the land of the said Jackson, and assessed to the Corporation by the Commissioners for opening the said Seventeenth street; the consideration to be such sum as shall appear to have been assessed on the Corporation for such gore, together with any other expense incurred or expended relative to the same.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXX.

BOARD OF ASSISTANTS.

JANUARY 13, 1834.

Report of the Finance Committee, to whom was referred the petition of Jeremiah H. Taylor, for a water grant in the Town of Brooklyn.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the petion of Jeremiah H. Taylor, for water grant in the town of Brooklyn,

REPORT,

That they know of no objection to giving the grant requested by the petitioner, provided an equitable remuneration be obtained for the right ceded by the Corporation. The land between high and low water mark in front of that belonging to Mr. Taylor, is much more valuable, in the opinion of the

Committee, than it is in other places on the same shore, owing to the shoalness of the water and consequent receding of the tides, which leaves the depth of the grant about 325 feet on an average.

The grants heretofore issued, have been for situations mostly, where the depth of the land between the tides was much less than that now requested, and as the Committee are informed, have uniformly been granted at the low price of twelve and a half cents per foot until 1845, and ever after that twenty-five cents. If however, the upland has increased in value, as it notoriously has, there is no good reason that your Committee are aware of, why the land between the tides should not have increased in value also. Being satisfied of this fact, the Committee propose, that a grant be issued to Jeremiah H. Taylor, at a rent of 25 cents per foot until 1860, and at 50 cents per foot forever after; and they accordingly offer the following resolution:

Resolved, That the Counsel, under the supervision of the Comptroller, prepare a grant to Jeremiah H. Taylor, of the land between high and low water mark, in front of his property in the town of Brooklyn, on the terms proposed by this report.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXXI.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Report of the Finance Committee on the Annual Exhibit of the Public Administrator.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the annual exhibit of the Public Administrator,

REPORT,

That the Public Administrator is bound by the statute to report to the Common Council annually, on the first day of January in each year, or within fourteen days after that day, a statement on oath of the total amount of his recepts and expenditures, in each case in which he shall have administered on any estate, during the preceding year, with other particulars designated by said statute.

Alpheus Sherman, Esquire, was appointed to the office on the 7th day of August, 1833, in the place of Sylvanus Miller, Esquire, the former incumbent, and his report contains the names of thirty-two persons whose estates were administered on by his predecessor in office, and the names of twenty-eight persons, the estates of whom he has administered on, since his appointment.

That part of the report which belongs to the administration of Mr. Miller, is not sworn to by him, as in the opinion of the Committee it ought to have been.

There appears to have been but little attention paid to these reports, as the Committee are unable to find but one of them on file, and that was with the Comptroller. The minutes of the Common Council have been searched, and it appears that on the 10th of January, 1831, the Public Administrator made his report for 1830, which was referred to the Finance Committee, but never reported on. The 23d of January, 1832, he made his report for the year 1831, which was referred to the Finance Committee, who recommended that it be filed in the Comptroller's Office. This is the report alluded to above, as found on file in that office. There was no report made for 1832, at least nothing appears on the minutes of the Common Council, showing that such report has been made.

The Committee are of opinion that the late Public Administrator ought to be called on to testify to so much of the exhibit of 1833, as came under his administration, and also to furnish an exhibit of his accounts to the Common Council, for the year 1832.

Previous to 1830, the Public Administrator was authorised to retain a commission of five per cent. on his receipts, over and above his reasonable expenses, as ▪ compensation for his services ; but in 1830, he was placed on a salary allowance of $1,250 annually, and the commissions collected by him are to be paid into the City Treasury. The result of this

change has been a heavy charge on the city, as the following statement, taken from the printed annual reports of the Comptroller will show,

Statement showing the receipts and payments under the head of intestate estates, from 1819 to 1829 inclusive, during which period the officer was paid by a commission on his receipts.

1819	Receipts	$127 33	Payments,	1287 39	
1820	do	331 61	do	360 29	
1821	do	569 10	do	" "	
1822	do	317 00	do	" "	
1823	do	1363 82	do	" "	
1824	do	2556 44	do	402 17	
1825	do	4179 91	do	2538 74	
1826	do	" "	do	1196 07	
1827	do	" "	do	" "	
1828	do	" "	do	143 33	
1829	do	2423 37	do	605 24	
		$11,870 58		$6,533 23	

Statement showing the receipts and payments under the head of intestate estates, from 1830 to 1832 inclusive, during which period the officer was paid by salary of $1,250 per annum, and his commissions paid into the City Treasury.

1830	Receipts,	$298 87	Payments,	$3186 12
1831	do	516 09	do	1277 76
1832	do	4818 03	do	5589 03
		$5,632 99		$10,052 91

The first act authorising the appointing of a Public Administrator by the Common Council of this city, was passed in 1815, but as by that act, this officer was not bound to pay to the City Treasurer any balance of money remaining in his hands, until more than two years after its receipts, there appears to have been no payments of consequence before 1819.

From that period until 1829 inclusive, as appears by the above statements, the receipts into the Treasury was $11,87058, and the payments to those legally claiming, were $6,533 25, leaving a clear balance in favor of the city, of $5,337 35. But from 1830 to 1832 inclusive, the receipts into the Treasury only amounted to $5,632 99, while the payments for salary and to claimants, arose to the sum of $10,052 91, leaving a balance against the city of $4,419 92, in the short period of three years.

Whether the change in the system, or what else, has been the cause of this great difference in the result, the Committee are not prepared to say ; but they are nevertheless of opinion that the business ought to be so conducted, as at least to bear its own expense ; and in order to insure this the office ought to be placed on the same footing as that of an executor, with such commission on the receipts, as would amply remunerate for the services rendered.

A large portion of the duty performed by the Public Administrator, is for the benefit of foreigners and strangers, or for their relatives and heirs, and there is no good reason whatever, why the city should be taxed for protecting the property of this description of persons, because they die intestate, any more than there would be to pay the expense of probate and other charges of those who die leaving bequests by last will and testament.

Your Committee therefore suggest to the Board, the consideration of bringing the emoluments of the office back to a commission, instead of a salary, which can only be done by an act of the Legislature for the purpose. The Committee propose the following resolutions :

Resolved, That the exhibit of the Public Administrator for 1833, be filed in the Comptroller's Office.

Resolved, That the Comptroller inform the late Public Administrator, that it is expected he will report to the Common

Council and exhibit under oath, as required by the statute, from the first of January, 1832, to the first of January, 1833; and also the exhibit of his accounts, under oath, from the first of January, 1833, to the 17th of August of the same year.

Resolved, That it be referred to the Committee on Applications to the Legislature to consider and report, on the expediency of applying for an act authorising the Public Administrator to retain a commission on his receipts, in lieu of salary.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXXII.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Report of the Finance Committee to whom was referred a communication from the Board of Assessors of this city, requesting to be furnished with maps of the several Wards.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a communication from the Board of Assessors of this city, requesting to be furnished with maps of the several Wards, and also a resolution passed by this Board on the same subject,

REPORT,

That they have ascertained from the Street Commissioner, that there are maps of the Second, Eleventh, and Fourteenth Wards now in his office, and that should the request of the Assessors be complied with, maps will be required for eleven

Wards, at an average cost of about four hundred dollars each.

This expense is a contingency for which no appropriation could be made when estimating the annual disbursements of the year, as it was not then in contemplation or known to be necessary.

The sum total that may be required for effecting the object, will probably amount in the aggregate, to $5,000; but as the use of the maps will not be wanted until after the election of our successors, on the second Tuesday of April next, your Committee have not deemed it necessary to recommend any present appropriation for the object. Should the Common Council sanction the measure however, they will include the necessary sum in the amount of tax for the ensuing year when they shall present their report on that subject.

The Board of Assessors having stated that great inconvenience has been experienced for the want of maps, and requested that the Common Council will furnish them, and your Committee considering this as competent evidence of their necessity propose the following resolution:

Resolved, That the Street Commissioner cause correct maps to be made of the 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 13th, and 15th Wards of this city, to be used by the assessors of taxes in the said Wards when in the performance of the duties enjoined on them by law, and at all other times to be deposited in the office of the Street Commissioner.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XXXIII.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Report of the Street Committee on the Memorial of Francis B. Cutting.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the annexed memorial of Francis B. Cutting, praying the Common Council to take the necessary measures to open Horatio street, from Greenwich street to the former line of low water in the Hudson river, and also the remonstrance of John L. Ireland, John L. Lawrence, and others, against the same,

RESPECTFULLY REPORT,

the following statement of facts thereon.

The whole ground through which it is proposed to open the street in question, is the property of Mr. Cutting, the

memorialist, and he is therefore desirous to have it opened at this time, and in the usual mode by the appointment of Commissioners, who shall make the proper estimate of loss and damage to the owner of the buildings and land, which will be required for that purpose, as well as the assessment, for benefit on other lands not required for the street, but lying in the neighborhood. This is objected to by the persons who remonstrate, for the reason that they have already ceded to the public, between nine and ten hundred feet in length of land on the same street; without any cost to the proprietors of other lands in the vicinity, and they are opposed to being assessed for opening the street through the lands of the petitioner. Under this state of facts, your Committee are of opinion there is no necessity for any immediate legislation on this subject, and to this they are the more inclined, inasmuch as if the street in question were now opened it is not probable that it could become much used as a thoroughfare for some time yet to come.

The following resolution is offered for the consideration of the Board:

Resolved, That the Street Committee be discharged from the further consideration of the petitioner and remonstrances above mentioned, in regard to the opening of Horatio street.

FRANCIS FICKETT,
DAVID HALSEY,
GEORGE SUTTON,
Street Committee.

DOCUMENT NO. XXXIV.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Laid on the table and ordered to be printed, and referred to Committee on revising the Laws and Ordinances.

JOHN W. RICHARDSON, Clerk.

OPINION

Relative to the Law to regulate the sale of Anthracite or Hard Coal in the City of New York.

The ordinance of the Corporation, entitled "A law to regulate the sale of Anthracite or Hard Coal in the city of New York," provides for the appointment of a certain number of persons to act as weighers of such coal, and requires that all anthracite or hard coal, which shall be *sold* from any *vessel, coal yard or other place* in this city, shall be sold *by weight.* It also prohibits any vender from *discharging* or *sell-*

ing, or any cartman from *carting* or *transporting* any such coal from any vessel, coal yard or other place in the city, except to a coal yard or place of deposit, without being first weighed. It also declares what fees the weighers shall be entitled to demand and receive, and that such fees shall be paid by the seller and buyer, each one-half.

The validity of this law has been questioned upon two distinct grounds, viz. that the Common Council never had authority to pass such a law; and that some of its provisions are unconstitutional.

In respect to the first objection, it must be admitted that the Corporation have no inherent power to pass such ordinances as they may deem proper, and that unless sufficient warrant can be found either in their charter, or in some act or acts of the Legislature, for the ordinance in question, it is void, however salutary or necessary its provisions might be.

The charter (page 62, 63,) authorises the Corporation to make all such ordinances as to them may seem useful or necessary, for the good rule and government of all citizens, inhabitants and residents of the said city; and for declaring how and after what manner all inhabitants and residents of the city, in their *functions* and *business*, shall use, carry and behave themselves; and for the further public good, common profit, *trade* and better government and rule of the said city; also, to provide and enforce penalties for the due observance of such ordinances. It also grants to the Corporation, (pages 68, 69,) the assize of bread, &c. and all other victuals *and things whatsoever*, set to sale in the said city, and within the limits thereof, with the power of amending and correcting such assize; and the right to all fines and forfeitures to be laid and forfeited concerning the same; also, the office of gauger to gauge all wine, &c. and *other merchandises* or vessels gaugeable or to be gauged within the said city; also, the office of *measurer*, to measure salt, &c. and *all other mer-*

chandises measurable or *to be measured* in the said city, to have and hold such offices and the disposition, *ordinances* and correction of the same, with power to exercise the same by deputies, and to take all fees, profits and perquisites due to such offices, and all fines and forfeitures to be laid concerning the same. And it further, (pages 72, 73,) for the better preservation of good rule and order in the said city, declares, that the Common Council shall have full power and authority to license or appoint *measurers* of grain, salt and *all other commodities.*

It is true the term *weigher* or *weighmaster*, is not specifically used in the charter, but weighing is in truth but a mode of measurement, and I conceive the word *measurer* might fairly embrace an officer whose duty consisted in weighing such commodities or merchandize as were customarily sold by weight. Some doubt, however, seems to have existed on this point, for in framing the "Act to reduce several laws relating particularly to the city of New-York, into one act," passed April 9th, 1813, it was thought advisable to have a special provision on the subject; and accordingly, the 238th section gives power to the Corporation to appoint as many *weighmasters* for the said city, as they may, from time to time, think necessary, and to fix and alter their compensation.

It was manifestly the intention of the charter to give the entire control and regulation of the internal traffic of the city, to the Common Council, to be exercised by that body in its discretion, for the general good of the inhabitants and to prevent the commission of frauds among them; and although it is not expressly stated that the Corporation should have the power of determining what articles should be measured or weighed, I think that power necessarily follows from vesting them with the office, and the ordinances of the same, and authorising them to appoint persons to exercise the duties. So far, therefore, as the ordinance in question requires that

all anthracite coal sold in the city of New-York *should be weighed*, I have no doubt of its validity. The language of the ordinance however, is, that all such coal *shall be sold by weight*, which implies a prohibition against disposing of this article in any other mode whatsoever, and would prevent the buyer and seller from dealing upon such terms as might be mutually most agreeable to them. I confess I have doubts as to the power of the Common Council to enforce such a rule strictly.

The power of requiring that all coal sold in the city should be weighed, does not assume any right to interfere with the bargain or agreement which the parties may make, while it affords ample protection against fraud, to all who may choose to avail themselves of it. It is in this respect like an inspection law, from which the article cannot be exempted if sold, but which imposes no restraint upon the mode of dealing in it. The objection is, in truth, more to the form than to the substance of the law ; for if such coal cannot be sold without being weighed, the effect will be produced of causing all such coal to be sold by weight, as an established custom. I would, therefore, recommend that the language of the law be altered in this respect.

The other objection to this ordinance is founded upon that clause in the Constitution of the United States, (article 1st, section 8,) which declares that Congress shall have power to regulate commerce with foreign nations and among the several states, &c. The ordinance prohibits the discharging of anthracite coal from any vessel, (which may have brought it from another state,) without its being first weighed, unless for the purpose of taking it to a coal yard or place of deposit. This, it has been said, amounts to a regulation of the trade or commerce in that article, between the state from which it was brought, and this state, and is therefore void. If the effect of the ordinance could be to impose any restraint or

condition upon the introduction of the article within the limits of the city, or rather within the boundaries of this state, it would, I think, be liable to the objection thus urged against it; but no coal can be discharged or landed from any vessel in this city, without being already not only within the boundary of this state, but completely within the limits of this city, and subject to the jurisdiction of its municipal authorities. The traffic or commerce affected or regulated by this ordinance, is purely *internal;* and the power intended to be given to Congress by the Constitution, does not, in my opinion, extend to it. This subject underwent a very full investigation in the case of Gibbons, vs. Ogden, 9th Wheaton's Reports: and in delivering the opinion of the court in that case, Chief Justice Marshall expressly states that the above clause in the Constitution does not comprehend that commerce which is completely internal, which is carried on between man and man in a state, or between different parts of the same state, and which does not extend to or affect other states. The power to impose regulations upon commerce, within the proper limits by state laws, is also recognised. The Chief Justice distinctly admits that inspection laws, quarantine laws, health laws of every description, as well as *laws for regulating the internal commerce of a state,* &c., are component parts of that immense mass of legislation which embraces every thing within the territory of a state not surrendered to the general government, and which can be most advantageously exercised by the states themselves.

The only feature in this ordinance which could raise a doubt as to its constitutionality, is that which prohibits the *discharging* coal from any *vessel,* without being first weighed; but the prohibition is against any *vendor;* and it does not attach where the coal is so discharged for the mere purpose of being taken to a coal yard or place of deposit, showing clearly that the regulation as to weighing, is to apply to

the sale of coal within the city. I think, therefore, that the ordinance is defensible on the ground of constitutionality.

As it is desirable, however, that all laws should be as free as possible from expressions or terms which might occasion doubts of their validity, and as the efficacy and intention of this ordinance will not in my judgment, be at all diminished or changed by the alteration, I would respectfully suggest that it be amended by leaving out the words, "discharging" and "vessel," and confining the prohibition in terms to what is undoubtedly the object of the law, viz : to prevent the sale of the coal within the city of New York, without being first weighed.

Such an amendment would simplify the law and can be made as follows :

In the 8th section instead of the words " All anthracite or hard coal, which shall be sold from any vessel, coal yard or other place in the city of New York, shall be sold by weight," substitute " all anthracite or hard coal which shall be sold within the city of New York, shall be first weighed."

In the 9th section strike out the words " discharge or," also, the word " vessel" and the words " discharged and." The section will then read as follows :—

" No vendor of coal shall sell, nor shall any cartman cart or transport from any coal yard or other place within the city of New York, any anthracite or hard coal, without being first weighed as aforesaid, under the penalty of five dollars for every load or part of a load so sold or so carted or transported."

The 10th section will then be rendered unnecessary and may be struck out.

R. EMMET.

January, 1834.

DOCUMENT NO. XXXV.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The following was offered by Aldermen Ferris as a substitute for the resolution attached to the report of the Committee, and was adopted.

Resolved, That the Common Council accept of the proposal of the Manhattan Company, to enter into a negotiation with them for the purchase of all the rights, immunities and privileges of every kind and description, embraced in the charter of said Company, and in the several acts of the Legislature in relation thereto, or held by them in any other manner for the purpose of supplying the City of New York with pure and wholesome water, and all such property and lands of the said Manhattan Company, and all such steam engines,

pipes, and other hydraulic works made and erected by said Company, for the purpose of supplying the city of New York with pure and wholesome water, as may be deemed necessary and expedient, and that the value of all such lands, property, steam engines, pipes and hydraulic works, and the value of all the said immunities, rights, and privileges of supplying the city of New York with pure and wholesome water, shall be determined by arbitrators, to be chosen by the Common Council of the city of New York on the one side, and the Manhattan Company on the other, and that any agreement made under this resolution, shall be submitted to the Common Council for confirmation, and shall not be binding on either party until so confirmed. And that the Committee appointed to make such negotiation, obtain a schedule of all the property, lands, steam engines, and pipes intended to be purchased, and shall ascertain the condition thereof, and the capacity of the same to answer the purpose for which they may be purchased, and report the same to the Common Council as soon as the same can conveniently be done.

DOCUMENT NO. XXXVI.

BOARD OF ASSISTANTS.

JANUARY 27, 1834.

Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a voluminous printed report of a Committee of the Board of Aldermen, relative to the pay for services performed by peace officers,

REPORT,

That it has appeared indispensable to your Committee, in order that the subject matter of difference between them and the Committee of the Board of Aldermen may be clearly understood, that the facts in the case should be briefly re-stated. They are as follows:

On the 15th of July last, the Comptroller made a report

to this Board, accompanied by four bills, purporting to be for services rendered by peace officers; three of which bills were approved by the Mayor, and one by him and Alderman Monroe. The reasons assigned by the Comptroller for requesting the action of the Common Council on the subject, were, that these bills were demands out of the usual course of business, and he did not think his authority extended to the establishment of a precedent in the matter. He suggests his doubts also, as to the charge for the attendance of three officers on Black Hawk, at the request of the agent of the United States, who he presumes was authorised by the General Government to pay all expenses; and he therefore presents the matter to the Common Council, and waits their pleasure in the premises.

This report from the Comptroller, with the accompanying bills, were referred to your Committee, who reported to this Board on the 29th of July, to the following effect: (see report marked A.) That they had consulted Mr. Lownds, one of the Police Magistrates, on the subject of the aforesaid charges,—that he stated to the Committee that 28 of these officers were summoned to attend at the Police Office on the occasion of a turn-out among the rope makers; that they were detained two or three hours, and their services not being required they were discharged. That the supposed riot at Harlæm, and the taking a person who had killed a man at Twenty-eighth street, had never been communicated to the Police Magistrates to his knowledge, &c.

Your Committee were of opinion, from the facts and circumstances of the case, that the manner of detailing these officers, and certifying their accounts, was contrary to long established usage, and an express decision of the Common Council.

As it respected the usage, your Committee had allusion to a report by the Police Committee, adopted by the Common

Council in 1812, which allowed the sum of two dollars for every twelve hours' services performed by peace officers in the day time on special occasions, and by direction of the Special Justices ; and three dollars for every twelve hours in the night, and in that proportion for any longer or shorter time. (See the report at length B.)

Upon the adoption of this report, the Police Magistrates, as the Committee were informed, prepared a tariff for the pay of peace officers in conformity with the aforesaid report, which has been the rule and guide by which these accounts were liquidated. The use of the rule for this length of time, in the opinion of your Committee, had constituted it law, which ought to have been adhered to in the case under consideration.

The express decision of the Common Council, alluded to by your Committee, was a report and resolution proposed by the Finance Committee, and passed by both Boards in 1832, and approved by the Mayor on the first of October of that year ; which declares the opinion of the Common Council to be that the law requires that the services of the police officers in the several wards should be obtained solely on application to the special Police Magistrates, in order that such services may be certified by them according to law ; and that no bill should hereafter be paid which arises in any other manner : that is, no bill should be paid by the Comptroller contrary to the spirit of the resolution ; evidently intending that bills in other, or extraordinary cases must be paid by an order of the Common Council. (See Report of 1832, C.)

The utility of the foregoing resolution and usage, the Committee thought must be apparent from the facts alluded to, as without this check on the expenditure, much imposition might be practised, and heavy expenses incurred for inadequate services performed. In this opinion they are supported by the Report of the Police Committee of the Board

of Assistants, of April, 1832, and by the Finance Committee of the Board of Aldermen, of May, of the same year. (See Extracts from the Reports marked D and E.)

The attention of the Common Council appears to have been frequently called to this subject, as the Reports alluded to by your Committee plainly show. In 1812 the Police Committee established a tariff for the pay of police officers called on to perform extraordinary services. In 1813 an act is passed by the Legislature, creating a fund from which these services were to be paid, and preseribing the evidence upon which the payment was to have been made. In April, 1832, the subject is referred to the Police Committee of the Board of Assistants, who, on investigating the matter, find that abuses have crept into the system, which require correction. That a time book is kept in the Police Office for the purpose of entering the time any officer may be employed on extra duty by order of a Magistrate. Many of these orders were given by the Aldermen of the different wards, to constables and marshals not selected to serve in the Police Office, and the officers thus employed only had to repair to the Police Office and state the time they had served, and have it entered on the "Time Book," in order to its being allowed. The amount allowed in this way, say the Police Committee of the Board of Assistants, arises to a very large sum in the course of the year, *and it is the subject of much abuse.* To correct this evil, a resolution that the time of service should be proved on oath was passed. In May, 1832, the Finance Committee of the Board of Aldermen made a report on the subject of these payments for extra services. This Committee state that the subject involves an increased expense, the magnitude of which seems to have no bounds or restraint but what may be imposed by the consciences of the officers employed in the service. That the examination of the papers referred to them, has disclosed

the fact, that abuses exist in the system, which are increasing daily, and call for a prompt and thorough correction. It further appears, from the report of the Finance Committee of the Board of Aldermen of the 23d of July, 1832, that the resolution which requires an oath of the service performed did not correct the evil which arose from the employment of these officers by the Magistrates of the several wards; and the Committee therefore refer to the statute of 1813, and insist on its being enforced. For that purpose, they proposed the resolution which is alluded to by the report, both of your Committee, as well as that of the Board of Aldermen, and which recommends the employment of these officers by the Police Magistrates, as the only means of preventing imposition, and an unnecessary expenditure of the funds provided for the purpose.

The foregoing reports and resolutions were the basis upon which your Committee founded the resolution which closes their report, and which was adopted by this Board on the 29th of July last, and is in the following words:

Resolved, That the annexed accounts for services performed by certain peace officers, be referred to the Police Magistrates; and that the Comptroller draw his Warrant on the Treasurer for such sum as the said magistrates shall certify and allow as justly due the said officers, in full for the said services.

These are the simple facts in the case, which has drawn from the Committee of the other Board, a labored report of 54 printed pages; principally consisting of extracts and quotations from laws long since repealed, or for which other statutes have been substituted.

In order that we might be fully enlightened on the subject, the Committee of Aldermen carry us back to a statute passed by the British Parliament during the reign of Edward the First, which according to their showing, was rising five hun-

dred years ago, and by which, Justices of the Peace were first authorised and appointed. With the same object we are informed of the act of the 17th Richard the Second ; 2d Henry the Fifth ; the 9th George the Second ; the charter of 1686, which creates the Mayor, Recorder and Aldermen of this city, Justices of the Peace ; the act of this state of 1787, which provides that good and lawful men shall be assigned by commission Justices to keep the peace ; the act of 1801, which provides that the Mayor, Recorder, and Aldermen of the city of New York and Albany, shall have the like powers in the said cities as are given to Justices of the Peace ; and they refer to every subsequent act bearing on that fact to the present year ; thus quoting these statutes, and filling about twenty-two pages of their report, to prove what has not been denied or gainsayed by your Committee, namely, that the Mayor, Recorder, and Aldermen, are Justices of the Peace, and possess all the power and authority granted those officers both by the charter of the city and the statutes of the state. (See page 313 to 331 of the Report.)

At the 9th page of the report, it is intimated, that your Committee have objected to the authority of the Mayor and Alderman Cebra to send the police officers to keep the peace on the Battery, or to suppress a riot in the Thirteenth Ward ; and that the Mayor had no authority to send the police men to Harlaem to suppress a riot there ; and that the Mayor and Alderman Monroe had no authority to direct the officers to attend the Indian Hostages. To all this your Committee plead not guilty, and totally deny the intimation. They have in no instance refused the right to any magistrate to direct or to employ the peace officers, in preserving the peace of the city, neither does the report of 1812 or 1832, as the Committee understand them, do it. The first fixes a liberal compensation to be paid the constables and marshals assigned to attend the police office for extra services, and on special oc-

casions; and the second expresses the opinion of the Common Council, that the services of police officers should be obtained on application to the Police Magistrates, in order that their services may be certified by them according to law. All your Committee have contended for, is that the pay for services not provided for as aforesaid, shall be placed on the same footing with the other disbursements of the city government, and submitted to the Common Council for their decision and order in the premises.

The Committee of the other Board exclaim (p. 312,) who are the special Police Magistrates? There are no officers mentioned by that name in our code of laws to the knowledge of the Committee. They then proceed to inform us of the designation of all the officers holding the power of Justices of the Peace in this city, none of whom are termed special Police Magistrates; and they conclude therefore, that the term means every magistrate authorised to execute the laws for the conservation of the peace. Your Committee however, consider this a mere play upon words, as with the same propriety they might ask the Committee of the other Board who are the "Special Justices," as the proper designation of these officers are, the "Special Justices for preserving the peace in the city of New York." There was no reason to doubt therefore, that these officers were meant by the resolution of the Common Council, who are as frequently termed Police Magistrates, Justices of the Police, and special Police Magistrates, as they are Special Justices, or Special Justices for preserving the peace in the city of New York.

The Committee of the other Board, (page 351,) seem to consider the resolution of the Common Council as harmless, having no force or effect; but as it is understood by the Comptroller to prohibit him from paying bills, such as those alluded to in his report, they are of opinion it ought to be rescinded. (Page 352.)

Your Committee are of opinion however, that the resolution is both legal and proper, and in strict accordance with the provision of the statute ; the 30th section of which provides that the Police Magistrates shall account under oath, in January and July annually, for all monies, goods, wares, and merchandise, that shall then remain unclaimed in the Police Office, and immediately thereafter give notice for six weeks in one of the public papers to all persons interested, to make proof of ownership before a day therein named. By the 32d section, the Magistrates shall cause all property remaining unsold after such notice, to be sold at public auction to the highest bidder, and pay the proceeds of such sale, and the money in their hands into the City Treasury.

By the 33d section, the Mayor is authorised to select peace officers to attend the police daily, and *to execute the commands and orders of the said Justices*, meaning the "Special Justices for preserving the peace in the city of New York."

By the 34th section it is provided, that the money so deposited in the City Treasury shall be applied to compensate the police officers for extraordinary services, the account for which shall be certified by the said Justices, and on being approved by the Mayor shall be paid out of the said fund, on a Warrant being directed by the Common Council for that purpose. (2d R. L. 356.)

This appears then to be the only fund provided by law for the payment of peace officers, for extra services in detecting and apprehending offenders, and preserving the peace of the city. The officers who are to be paid from this fund, are those selected to execute the commands and orders of the Police Justices ; for the language of the statute is, "the fund so aforesaid deposited in the City Treasury, shall be applied to compensate the said police officers for extraordinary services." That is to say, the officers selected as police officers

to attend daily at the said office to execute the commands and orders of the Justices—not the constables and marshals in the several wards, other than those selected to attend the police. The accounts for these services shall be certified by the said Justices, and on being approved by the Mayor, shall be paid out of the said fund, on a Warrant being directed by the Common Council for the purpose. Now what does the resolution require more than the law prescribes? It only requires, 1st, That the officers employed on these services should be those which the statute has designated; namely, those who are selected according to law to attend the police and execute the commands of the Justices; and this is to be done only by an application to the Police Justices, otherwise officers might be employed who were not authorised to be paid from the aforesaid fund. 2d, in order that such services may be certified by said magistrates as the law directs, which could not be well done unless the officers were detailed by the Police Magistrates. The approval of the Mayor it is presumed would follow of course, otherwise the bill could not be paid. The resolution then declares the opinion of the Common Council, that no bills should hereafter be paid which arise in any other manner; that is to say, bills presented to the Comptroller contrary to the provisions of the statute, or such as had not been ordered to be paid by the Common Council.

The Committee of the Board of Aldermen say (p. 335,) "they have not been able to discover any statutory provision to sustain the ground taken in the resolution, or which casts any difficulty in the way of the Comptroller in paying the bills in question." As none of your Committee are "learned in the law," they can only refer to the common sense construction of the statute, and the usual import of the words used. To their conception, the statute is as plain as the English language can make it. 1st, it sets apart cer-

tain monies as a special fund. 2d, designates the purposes to which it shall be applied, viz. to compensate for extra services. 3d, declares who shall perform these extra services and receive the compensation, namely, the officer selected to attend the police. 4th, describes the evidence upon which the money shall be paid, viz. on the certificate of the Police Justices, approved by the Mayor. And 5th, the manner of payment, by a Warrant of the Comptroller on the Treasury. Without these preliminary measures, the Comptroller had no authority whatever to pay, and if he had paid without them, or the direction of the Common Council, it would have been on his own responsibility, and contrary to law.

A number of acts are cited by the Committee of the Board of Aldermen, relative to the fees to be paid sheriffs, district attornies, and clerks of criminal courts, which have no bearing whatever on the question under consideration, and the most, if not all of which, are repealed by the act of April the 23d, 1823, so far at least, as they relate to this city. (See 46 sess. 379.) They also refer to the act of the 30th of April, 1833, entitled, "an act to regulate the fees of Special Justices for preserving the peace in the city of New York, and police officers in said city." (56 sess. 490.) The provisions of this act, however, make the fees therein designated payable by either of the parties; namely, the offender or complainant, in the discretion of the magistrates, except in the case of felony, when the party complaining shall not be bound to pay; the fees for bringing intoxicated persons before a magistrate, or for committing a breach of the peace, shall be paid by the party complained of. There is no provision, therefore, notwithstanding the laborious research of the Committee of the other Board, either in the act last referred to, or in any other act on which they have relied, that declares the fees allowed peace officers for services, such as are designated

by the bills alluded to, to be a charge on the county. The Committee of the other Board have not shown us any such provision, and if they had, shall it be denied the tax paying citizens of this city, through their representatives in the Common Council, the right to prescribe the evidence of services rendered upon which their money shall be paid? Your Committee hope not.

The finances of this city, and the money paid by our constituents in taxes for the support of the city government, are placed both by the old and new charters, under the care, control, and oversight of the Common Council; and it is their right as well as their duty, to judge of the compensation to be paid for public services, and to prescribe the manner, and upon what evidence it shall be paid. Although the members of the Board of Assistants do not possess the power or honor attached to the office of Justices of the Peace, they have nevertheless as city legislators, equal rights in regulating the disbursements of the public funds, with the Board of Aldermen.

The Committee of the other Board (at page 341,) also refer to the 2d Revised Statutes, 716, for some general provisions concerning Courts of Special Sessions; where it is provided, that all fines imposed by any such court, if paid before commitment, shall be received by the magistrate calling the court before which the defendant was convicted: and such fines shall be applied to the payment of the charges of apprehending and prosecuting the offender; and after deducting the sums allowed therefor, the remainder, if any, shall be paid by such Magistrate, within thirty days after the receipt thereof, to the County Treasurer, for the use of such County.

These provisions did not originally apply to the city of New-York, or were not considered as so applying. They are the substance of a section of the act, entitled "an act

concerning bills of exceptions and for other purposes," passed the 15th of April, 1817, at a time when no special sessions was held in this city, and was intended therefore to apply to the courts of special sessions usually held in the several counties, before three Justices of the Peace. There is some doubt therefore, whether the provision is at all applicable to this city. But admitting its full force, your Committee are still unable to perceive what bearing it has on the question of paying police officers for extraordinary services. Nor have they been able to discover, from any of the numerous quotations and extracts made by the Committee of the other Board, that legally, "the fees (of such officers and for such services as some of the bills describe,) are a county charge." By their own showing, the fees and expenses of the courts of special sessions are to be paid from the fines imposed. Instead of a charge on the county therefore, a revenue is supposed to accrue from the operation, as the balance is to be paid into the County Treasury.

It may be proper to notice another reference, (page 343,) to the Revised Statutes, 2 vol. 646, 647, which designates the "fees of constables for services in special proceedings in civil cases." The whole of this title relates to fees in civil actions, and not in criminal cases, and has therefore no bearing on the subject, so far as your Committee is able to discover. That there are expenses however, attending criminal proceedings which must be provided for by the county, your Committee have not attempted to controvert; but they deny that the charges under consideration are of this description, a specific fund having been provided by law for their disbursement, distinct from, and unconnected with the expenses chargeable on the county.

Your Committee in their report which was adopted by the Board, gave no opinion as to the propriety or impropriety of the compensation charged by the police officers, but barely

stated the facts, referring the bills to the Police Magistrates to be certified according to law, and directing the Comptroller to draw his Warrant for such sum as the said magistrates should certify to be justly due the said officers.

The Committee of the other Board however, (page 348, 380,) have deemed it necessary to go into a detailed examination of the services rendered, and the propriety of the charges made for them. With respect to the officers who attended the Indian Hostages, the Committee state, (p. 308,) that "their services were required and rendered as conservators of the peace, in its common acceptation, and to secure the rights of hospitality." After arguing in favor of this position for two whole pages of the report, the Committee seem to entertain some doubt, whether the expense of attending these Indians was not a legitimate charge on the Treasury of the State. "Whether this item, say the Committee (at page 310,) may or may not possibly constitute a charge against the State Treasury, is another question, for it is provided that all expenses relating to Indian affairs shall be paid out of the general fund." But they are of opinion that the Board did not intend to institute such an inquiry, and conclude therefore, that the City Treasury is liable by law to this charge, provided the magistrates who detailed the police men for this service had the authority to do so. In accordance with this sweeping conclusion of the Committee, the city would be liable for the services of the peace officers nightly employed in attending the theatres, and other exhibitions where many congregate, and which has uniformly heretofore been paid by the proprietors of the places alluded to.

As it respects the 28 peace officers who attended at the City Hall on the 14th of June last, *for two or three hours*, the Committee of Aldermen ask, was two dollars each too much for the probable dangerous services they were to perform ?

In answer to which, your Committee beg leave to remark that these officers were to be paid for the services they did perform, or they could not be paid at all ; for the fund from which they were to be compensated is appropriated "to compensate for extraordinary services," not for those anticipated. Your Committee wish it to be clearly understood however, that they have not pretended to judge of the services performed, nor have they objected to any of the bills, but simply ask that they may be audited according to law, as the compensation must be drawn from the fund provided in accordance with the act, (which the Committee of the other Board admit to be in force,) passed the 9th of April, 1813. (2 R. L. 353.)

Now the whole matter of difference between the Board of Aldermen and Board of Assistants, is that the latter have resolved to refer these bills to the police magistrates to be audited by them, and have directed the Comptroller to pay the said bills in accordance with such audit, while the former insist upon paying them without any further examination whatever.

The Charter of this City declares that no money shall be drawn from the Treasury, except the same shall be previously appropriated to the purpose for which it is drawn, and the only appropriation which the Committee know of for the purpose of paying these bills, is the fund alluded to and from which the said bills must be paid when legally certified.

This whole subject is in a great measure a matter of finance with your Committee, as well as those who have preceded them in enforcing an adherence to the provisions of the statute. But with the Committee of the other Board, a feeling of official dignity seems to have entered into the consideration of the subject, otherwise why insist so strenuously on the authority of every magistrate to send out these constables and marshals at pleasure, and that it is the duty of the Common

Council to pay without inquiry, every bill the said magistrate may tax, be they ever so extravagant, when every necessary requirement may be answered by an application to the police office.

It is an admitted principle, that those best able to execute any particular matter, are such whose business it has been to give regular and constant attention to the subject; hence the police magistrates whose daily business consists in correcting the evils existing in this community, and in preserving the peace, are better enabled to select the proper officers for any peculiar duty to be performed, than a magistrate whose mind is engaged on different and various matters, can be. There are no doubt special occasions when the authority of the magistrate must be exercised on the instant, and for such services the Common Council will never refuse to provide on a proper representation being made to them of the matter.

The tax paying portion of our constituents have contended for years in favor of a check upon the city expenditures, and when the amended charter was enacted, they thought they had obtained the end sought for; but according to the expressed opinion of the Committee of the other Board, there are between 40 and 50 officers in this city possessing the authority of justices of the peace, who may employ the constables and marshals at pleasure, audit or certify their bills, and present them to the Comptroller, who is bound to pay without the interference of the Common Council.* Against such

*Chancellor,	1
Justices of Supreme Court,	3
Circuit Judges,	8
Judges Superior Court,	3
Assistant Justices,	7
Mayor, Recorder, First Judge, C. P.,	3
Aldermen,	15
Special Justices of the Police,	4
Supreme Court Commissioners,	27
	71

doctrine your Committee protest, and they hope this Board will never give up one particle of their rights, or shrink from the performance of their duty, in preventing the least encroachment on the privileges delegated to them by the people, of guarding the city finances from innovation of every kind, and particularly of the description contended for by the Committee of the Board of Aldermen.

Your Committee are satisfied therefore, after carefully reviewing the whole subject, that the course they have recommended in their report of the 29th of July last, was the only correct and legal basis upon which the matter should rest, and they accordingly recommend an adherence to the resolution then passed by this Board, and propose the following resolution:

Resolved, (If the Board of Aldermen concur,) that a Committee of Conference be appointed on the subject of difference between the two Boards, and that the Committee on Finance be of said Committee on the part of this Board.

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

(A.)

The Committee on Finance to whom was referred two reports from the Comptroller, accompanied by several bills approved by the Mayor, for services said to be rendered by certain peace officers,

REPORT,

That the Comptroller declined paying these bills for the reason that they were charges out of the usual course of business, and a portion of them for services rendered the agent of the United States at his request, and not properly a charge on the City Treasury, or within the scope of the authority delegated by the ordinances of the Common Council to the Comptroller.

The charge here alluded to, is for the attendance of three peace officers on Black Hawk and other Indians, for nine days and nights at three dollars per day, ordered by the Mayor and Alderman Monroe, and amounts to eighty-one dollars.

One of the objections to the payment of this bill by the Comptroller is, that inasmuch as these hostages were brought here for government purposes, and under the charge of an agent authorised to pay all expenses, there was no more propriety in calling upon the city authorities to pay this account, than there would have been a demand for their board and travelling expenses.

There is also a charge of $56, for the attendance of twenty eight peace officers at two dollars each, to suppress a riot supposed to take place in the Thirteenth Ward, ordered by the

Mayor and Justice Lownds; and another for $24, to pay peace officers to go to Harlæm, to suppress a riot, and to take a person who killed a man at 28th street, as was said.

The Committee have consulted Justice Lownds on the subject of these charges. He states that the 28 officers were summoned to attend at the Police Office on the occasion of a turn-out among the ropemakers; that they were detained two or three hours, and their services not being required, they were discharged; that the supposed riot at Harlæm, and the taking of a person who had killed a man at 28th street, has never been communicated to the police magistrates, to his knowledge; and he is ignorant therefore of the transaction, or who it was that gave the order to proceed in the business.

The principal objection however, is that the manner of detailing these officers and certifying their accounts is contrary to long established usage and an express decision of the Common Council.

The usage has been, to refer the suppression of riots and other matters, where the peace and tranquility of the city is menaced, to the police magistrates, except in urgent and particular cases, and to require that the charges for such services by the officers detailed, shall be audited by said magistrates. A tariff for the pay of officers thus employed, has long since been established, and is the rule by which the compensation is measured by the Magistrates for the services performed; and it appears by a resolution passed in July, 1832, that the Common Council were not willing that custom only should regulate this matter, and therefore they resolved, "that the laws require that the services for police officers in the several wards, should be obtained solely on application to the special police magistrates, in order that such services may be certified by them according to law, and that no bills should hereafter be paid which arise in any other manner."

The utility of this rule, as the Committee conceive, must be apparent, from the facts already alluded to in this report; for without it, much imposition might be practised, and heavy expenses incurred for inadequate services performed; and thus the necessary check which is one of the principal props of a free government, would be removed.

The Committee propose the following resolution:

Resolved, That the annexed accounts for services performed by certain peace officers, be referred to the police magistrates; and that the Comptroller draw his Warrant on the Treasurer for such sum as the said magistrates shall audit and allow as justly due the said officers, in full for the aforesaid services.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

Adopted July 29th, 1833.

(B.)

The Committee to whom was referred the compensation to be allowed to police officers attending the police office,

REPORT,

That they have examined the accounts, and are satisfied they are correct as to the time of service and money expended by them on duty.

With respect to the amount of compensation to be given them, considering the difficulty and personal danger frequently attending the discharge of that duty, as well as the importance of it to the public, your Committee respectfully recommend that the several constables and marshals assigned to attend the police office, be allowed the sum of two dollars for every twelve hours they shall be employed in that duty on special occasions, and by direction of one of the special justices, in the day time; and the additional sum of one dollar for every twelve hours they shall be so employed in the night time; and in that proportion for any longer or shorter time; and that the accounts hereafter be presented in the name of the high constable, and certified by the special justices.

All which is submitted,

E. W. KING,
A. H. LAWRENCE,
WM. I. WALDRON.

Adopted by the Common Council, February 3, 1812.

(C.)

Board of Aldermen, July 23d, 1832.

The Finance Committee, to whom was referred the communication from the Comptroller, on the subject of extra police services,

REPORT,

That the 34th section of "An act to reduce several laws relating particularly to the city of New York, into one act," together with the report of the Police Committee, adopted by the Common Council, February 3d, 1812, authorises the Comptroller to make such payments only under the certificate of the Special Justices, which appears to be the only proper course. In the present case, the ward magistrates not being aware, perhaps, of such regulation, have employed officers without the knowledge of the Special Justices; but as it has doubtless been done in good faith, the officers ought to be indemnified. Your Committee recommend the adoption of the following resolutions:

Resolved, That the Comptroller pay the sum of one hundred and thirty-two dollars and sixty-six cents, to the officers employed to perform the duties under the directions of the Aldermen and Assistant Aldermen of the several wards, conformably to the accompanying accounts.

Resolved, That in the opinion of the Common Council, the laws require that the services of the police officers in the several wards, should be obtained solely on application to the special police magistrates, in order that such services

may be certified by them according to law, and that no bills should hereafter be paid, which arise in any other manner.

Respectfully submitted,

M. VAN SCHAICK,
JAMES B. MURRAY.

Approved October 1*st*, 1833.

(D.)

Extract from the Report of the Police Committee of the Board of Assistants—April 30, 1832.

The Police Committee to whom the report of the Comptroller was referred,

RESPECTFULLY REPORT,

That your Committee have not the means of furnishing a detailed account of the expenses arising from the Police Department.

There is a book however, called a "Time Book," which is a subject of much difficulty not only to the magistrates, but to your Committee.

This book contains entries of allowance of time made to the different officers for services, on account of which no specific fees are allowed. If an officer shall be employed one or five hours on a particular service, and continues to do so day after day, he, when he thinks proper, returns to the magistrate, that he has spent so many hours in the public service, and it is accordingly entered, the magistrate being obliged to allow it and cause the entry to be made. The amount allowed for these services are three dollars for every twelve hours during the night, and two dollars for every twelve hours during the day. The amount allowed in this way arises to a very large sum in the course of the year, *and it is the subject of much abuse.*

The Committee are of opinion that the officers should be paid a fair and reasonable compensation for all the services rendered to the public; but they are of opinion, that some evidence should be produced to the magistrate of the performance of the service, before the allowance is made.

The Committee offer the following resolution:

Resolved, That no allowance be made by any magistrate of any time, to any officer, unless the same shall be proved on oath.

J. R. WHITING,
WM. VAN WYCK,
NATH'L I. BOYD.

Adopted April 30th, 1832.

(E.)

Extract from a report of the Finance Committee of the Board of Aldermen.

BOARD OF ALDERMEN, MAY, 1832.

The Finance Committee, to whom was referred the Report of the Police Committee of the Board of Assistants upon the communication of the Comptroller, dated the 16th of April, relative to the expenses of the police department, arising out of the payment for extra services on time,

RESPECTFULLY REPORT,

That they have examined the subject with solicitude, as it involves an increasing expense, the magnitude of which, seems to have no bounds or restraint but what may be imposed by the consciences of the constables and marshals employed in the service. But as any investigation which is intended to produce a reform more properly belongs to another Committee, your Committee have not allowed themselves to carry their researches further than to an examination of the papers before them; and these disclose the facts, that abuses exist in the system of which the time book is a part, that they are increasing every day, and that they call for a prompt and thorough correction.

Your Committee therefore recommend to the Board to concur in the resolutions passed by the Board of Assistants.

M. VAN SCHAICK,
JAS. B. MURRAY,
ERASTUS BARNES.

Adopted May 28th, 1832.

DOCUMENT NO. XXXVII.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

Report of the Committee on Laws, &c. laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, &c. to whom was referred the following resolution:

Resolved, That the Committee on Laws, &c. be instructed to inquire into the expediency of applying to the next Legislature to pass a law requiring a general registry of votes for the city and county of New York, and prohibiting every person from voting at any election in the said city and county, whose name has not been previously registered according to law, beg leave to

REPORT,

That in a country where all the power is most properly vested in the people, and where this power must of necessity be

exercised through the medium of the elective franchise, it is of the last importance that this franchise be exercised not only freely and justly in point of fact, but in a mode above all suspicion of fraud, knavery, or collusion. As every thing depends upon public opinion, it is not sufficient that good officers be elected and that wise laws be enacted, the people must know that those laws have emanated from persons who have been fairly and honestly elected. Now that frauds have been practised at the polls, the Committee are convinced. At any rate a universal and deep conviction prevails among our citizens that tricks have been resorted to for the purpose of defeating the election of one candidate and securing that of another. This has been accomplished in one of three ways. 1st, persons are brought up to vote who are not citizens of the United States at all, or at any rate not qualified to vote in this state.

Secondly, persons having been known to vote in more than one ward at the same election.

Lastly, when in a charter election no contest takes place in one ward, while a very close struggle occurs in another, voters are transferred, by lodging one night, from the quiescent to the excited wards. Now all these manœuvres are downright frauds upon the people, and their only remedy is a registy of votes. The Committee therefore recommend that remedy in the form of the following law, which with the accompanying remarks is accordingly submitted.

AN ACT,

To provide for the registering of persons entitled to vote at elections in the City of New York.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

1. It shall be the duty of the Clerk of the City and County of New York for the time being, to keep in his office as many books as there may be wards in the said city, for the purpose of registering therein respectively, the names, occupations and residences of such of the inhabitants of the said wards respectively as may claim to be entitled to vote at any general or special election to be held within the said city, for any officer or officers, who are or hereafter may be elective by the people.

2. The said books shall be so prepared and arranged, as to contain each an alphabetical list of the persons claiming to be so entitled to vote, residing within the ward for which such book is intended, according to their respective surnames, and to show in separate columns the name at full length, the occupation and the residence, (by the number of the house if any, and the name or title of the street or place,) of each person to be registered therein, and the time of such registry.

3. Every person intending to vote at any such election in the said city, shall cause his name, occupation, and residence to be so registered in the book to be prepared for the ward in which he shall reside.

4. When any person shall have caused his name to be so registered, it shall not be necessary for him to cause such registry to be renewed or changed, so long as he shall continue to reside in the same ward. And if he shall afterwards remove his residence to another ward, he shall cause his name to be registered as aforesaid in the book intended for the ward to which he has removed, and the clerk shall add to his name the time when it was first registered in either of the said books, and shall erase his name from the book in which it had formerly been registered.

5. It shall be the duty of the Inspectors of every such election on the morning of the first day thereof, previous to

the opening of the poll, to receive from the said clerk the book containing such registry intended for the ward in which the election is to be held of which they are inspectors, and to keep the said book in their custody during the said election, and to return it to the office of the said clerk immediately after the said election. And no person shall be permitted to vote at such election, unless his name shall have been so registered fifteen days previous to the time of his offering to vote.

6. It shall be the duty of the said clerk to publish in all the daily papers printed in the city, for one month, commencing six weeks before every election, a notice that the books for registering the votes are open in his office to receive the names of electors, and that they will be finally closed fifteen days before the commencement of such election. The said clerk shall receive from the City Treasury at the termination of every election, such a sum in consideration of the above services as the Corporation shall deem reasonable, and of giving the notice directed by the preceding section of this act.

7. The expense of providing the said books, and of giving the notices directed in the last section, shall be paid out of the Treasury of the City and County of New York, and the Clerk of the said City and County shall perform the duties imposed on him by this act, without fee or reward from the individual electors.

8. This act shall not take effect until the first day of August next.

Observations on the draft of an act to provide for the registering of persons entitled to vote at elections in the city of New York.

This act inflicts no penalties. It imposes no burden on the voter except that of leaving or sending a memorandum of his name, occupation and residence at the clerk's office, which in this city can be no great hardship. He must do this six months previous to the election, a proof that he has resided so long in the county.

The oaths now required may still be tendered, and the principal benefit of the registry will be to prevent illegal votes from being manufactured during or immediately previous to a contested election. This will be a benefit to all parties, but especially to that which is the strongest and which has least temptation to resort to improper means.

Should the measure be tried, experience will point out such alterations and improvements as it may be wise to adopt.

The law appears to me to be free from constitutional objections.

By the 1st section of the 2d article of the Constitution, every citizen possessing certain qualifications was entitled to vote in the town or ward where he *actually resided.*

This article has been amended, but still provides that every citizen having the qualifications therein enumerated shall have a right to vote in the town or ward where he *actually resides* and not elsewhere.

I notice this similarity because one objection to a register seems to rest on the right of a citizen to vote *where he resides,* and because it appears that in this respect the amendment to the constitution has made no alteration.

As the article now stands, no person has a right to vote until he has been for *six months* a resident of the *county.*

The third section of the same article is as follows, "Laws *shall* be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established."

It is therefore undeniable that the Legislature may pass laws to ascertain by *proper proofs*, whether a citizen has been a resident of the county in which he offers to vote, for six months.

Whether the proof required is proper, on the ground of *expediency*, the Legislature are to judge.

To say that the Legislature may pass laws to ascertain whether a citizen has a right to vote, and yet cannot prevent his voting while he refuses to give the proof by which it is to be ascertained, is to render the provision in the Constitution nugatory. His right is now ascertained by his own oath, and if he refuses to take it, his vote is refused. If additional and reasonable evidence is required and he refuses to give it, his vote may on the same principle be refused.

But it may be said that he has a right to vote in the ward in which he *actually resides* at the moment he tenders his ballot, and therefore if he removes from one ward to another on the second day of election, he has a right to vote either in the one or in the other as he thinks fit and that the act will deprive him of this choice. But in fact the Constitution did not intend to guarantee to him this choice. The exercise of such a choice is a fraud upon the Constitution. It is a choice of which the Legislature may certainly deprive him. For they may limit the duration of the election to a single day. But it is a sufficient answer that the Constitution, like every other instrument, must be so construed as to make all its parts consistent with each other. And the section conferring the right of suffrage must be qualified by that which *commands* the Legislature to pass laws for ascertaining who

are entitled to it, so as to confer the right on those who only comply with the laws *bona fide* enacted for that purpose. And such laws will not be void if they necessarily abridge a right (or rather an abuse,) not given by the Constitution, but growing out of the accidental circumstance that the election is kept open three days instead of one.

J. AUG. SMITH,
STEPHEN ALLEN.

DOCUMENT NO. XXXVIII.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

Report of the Committee on Laws, &c. on the resolution from the Board of Aldermen, for dividing the office of Inspector of Weights and Measures.

JOHN W. RICHARDSON, Clerk.

The Committee on Laws, &c. to whom was referred the following Resolution from the Board of Aldermen :—

Resolved, That the Counsel of the Board be instructed to renew the application to the Legislature, for dividing the office of Inspector of Weights and Measures, so that in future there shall be two, instead of one Inspector, for the city of New York, *(offered by Samuel Dunshee,)*

BEG LEAVE TO REPORT,

That since the first Inspector of Weights and Measures was appointed, the city has very nearly, if not quite doubled in

size : there is, therefore, full scope for two such officers. A concurrence in the resolution is therefore recommended.

J. AUG. SMITH,
STEPHEN ALLEN,
JAMES FERRIS.

DOCUMENT NO. XXXIX.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

Additional Report of the Street Committee, on the subject of widening Beaver street, from William street to Broad street.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred back the subject of Widening Beaver street, from William street to Broad street.

RESPECTFULLY REPORT,

That they have again had the same under consideration, and have had the parties before them, and heard them attentively through all their arguments, for and against the measure; and as the subject was referred back at the suggestion of your Committee, for the express purpose of enabling Mr.

Blake to unite, if possible, a majority of interest in favor of a plan presented by him.

Your Committee have now to state, that Mr. Blake has failed to obtain such amount of interest, and that the parties favorable to the south cut have not only maintained their original ground, but have absolutely gained strength by new petitioners, favorable to their projected cut on the south side: and as your Committee deem this a local improvement, they feel it to be their duty to be governed by the vast majority of interest in this case.

It will be remembered, that the Committee reported that there was a universal opinion among the parties interested, that the widening of the street in question, was necessary, but they differed as to the most expedient lines to be drawn; and to the utter astonishment of the Committee, they find gentlemen who are unwilling to be honorably defeated in their schemes, come forward with their remonstrance against making any improvement in the said street at this time: and it is to be hoped that this Board will show by their vote on this question, that they are not to be trifled with in this manner.

Your Committee would also state, that the parties whose interest is somewhat remote, express a desire to make the improvement at the least possible expense, without any particular reference as to which side of the street as their choice.

It appears that Mr. Blake has employed two gentlemen of acknowledged ability, to make an estimate of the expense, (which is hereunto annexed) by which it appears the south cut will be attended with five thousand three hundred dollars less expense.

It also appears that Mr. Dickey, one of the parties favorable to the south cut, presents an estimate, (which is also hereunto annexed) showing the amount to be twenty-five thousand

eight hundred dollars against the north side opening, which conclusively shows the most expedient lines to be adopted.

Your Committee have only to add, that they are satisfied of the expediency of widening the street in question, and they therefore earnestly recommend a concurrence with the Board of Aldermen, in their resolution to widen Beaver street on the south side agreeably to the map hereunto annexed.

FRANCIS FICKETT,
GEORGE SUTTON,
DAVID HALSEY.

DOCUMENT NO. XL.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

Report of the Finance Committee, on the petition of Samuel Frost.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the petition of Samuel Frost, praying remuneration for a loss sustained through the neglect of some of the Corporation officers,

REPORT,

That Mr. Frost appeared twice before your Committee, and averred to the truth of the following facts. That on the 29th of December last, at about half past six o'clock in the evening, as he, in company with his wife, was proceeding through Canal street in a one horse wagon, the wagon came in

contact with a pile of dirt taken from the sewer, which upset it, and threw both him and his wife to the ground; that there were no lamps lit in the street at the time, nor any thing to indicate the place where the dirt lay; that he held to the reins of the horse until himself and wife were extricated from the wagon, but was compelled to let them go in consequence of his foot having slipped, which caused him to fall to the ground; that the horse then ran for some distance, until he came in contact with a cart standing in the street, when he broke his leg and rendered it necessary to have him killed. The wagon also was materially injured, as well as the harness and other matters attached to it.

Mr. Frost states in a paper annexed, that the amount of his loss will be $250, and by his petition, that it will require at least $265 to reimburse him for his loss. He charges his horse however, as worth $150, while by the evidence of the keeper of the stable who had care of him he was not worth, before the accident occurred, to exceed $125. The repairs of the wagon is charged at $90, but by an estimate hereunto annexed, the repairs are stated by a carriage maker at $61 13. The total amount of damage sustained will be as follows:

Repairing the wagon - - -	$61 13
Do. the harness - - -	2 00
The value of the horse - - -	125 00
Paid the farrier - - - -	5 00
Do. carting horse to the river - -	1 25
Do. do. wagon - - -	25
Hack hire for Mrs. Frost - -	2 00
	$196 63

The Committee have endeavored to ascertain by whose default this pile of dirt was left in the street. The Street Commissioner as the Committee are informed, is charged

with the duty of seeing that the public sewers are properly cleansed; but it is made the special duty of the Superintendent of Streets, on being notified to that effect, to attend to the removal of the dirt and filth taken from the sewers in seasonable time. The reason given by the Superintendent for omitting to remove the pile of dirt alluded to, was that it was so much saturated with water, that the boxes of the dirt carts would not retain it, and therefore that it could not be removed until it had lain several hours to drain; and that it would have been removed on the morning of the day in which the accident occurred had not Sunday intervened to prevent. Whether these are sufficient reasons to exonerate the officers from blame, the Committee leave to the Board to decide; that the petitioner has suffered by the neglect of somebody, in leaving the dirt in the street must be admitted, and your Committee deeming his claim for remuneration equitable, they propose the following resolution:

Resolved, That the Comptroller draw his Warrant on the Treasurer for $196 63, in favor of Samuel Frost, in full for damage done his horse and wagon by the omission of the Corporation officers to remove from the street a quantity of dirt taken from the sewer in Canal street, and that he charge the same to county contingencies.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH,
J. AUG. SMITH.

DOCUMENT NO. XLI.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

Report of the Finance Committee, to whom was referred a communication from the Comptroller, with an estimate of the tax for 1834.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a communication from the Comptroller, with an estimate of the tax for 1834,

REPORT,

That in examining the several estimated items of expenditure, as stated by the Comptroller, the Committee were led to believe from a comparison between the average amounts disbursed under the several heads of expense for the years 1830—31 and 32, that some of them at least, were stated too

high, and they therefore requested that officer to make a further examination, and to report the result to your Committee.

This report has accordingly been presented, and is hereunto annexed ; and the Comptroller now arrives at the conclusion, that a tax of $700,000 will cover all expenses, instead of $800,000, as estimated by his report to the Board. This it will be observed, reduces the tax $150,000 below what it was the last year. (See reports A and B.)

In order that these estimates might be as nearly accurate as the nature of the case would admit, the heads of departments have been called on for their opinion of the probable amount of money which may be required for the public service, connected with the particular branches of expense placed under their respective supervisions. The estimates thus furnished are hereunto annexed. (See papers, C, D, and E.)

Your Committee were in hopes, as no very expensive project had been ordered by the present Common Council, that the amount of tax for the ensuing year, would not have exceeded the sum of $650,000 ; but as it appears to be the opinion of the Comptroller, after a careful re-examination of the subject, that the sum of $700,000 must be raised, the Committee are not willing to interpose objections to that opinion.

Your Committee cannot avoid noticing however, the very large amount of some of the heads of expenditure which it is supposed will be required for the next fiscal year of the Corporation.

"Docks and Slips," it is supposed, will absorb $100,000 of the tax. It appears however, by the communication from the Street Commissioner, that $58,500 is estimated for building piers, two-thirds of which, or $39,000, ought to be paid

by the owners of the adjoining property. This is an expenditure, the propriety of which your Committee consider very doubtful. The only conclusion which can be drawn from the fact, that the individual owners of the adjoining property, decline uniting with the Corporation in the erection of these piers is, that they will not produce a revenue on the money expended ; and if this will be the result, can it be proper that taxes should be assessed on our citizens generally for an object entirely local, and which will not return to the City Treasury an interest on the amount of its cost ?

"Lands and Places." The disbursement under this head is estimated at $10,000. The large amount of $7,000 of this item however, is charged by the Street Commissioner, to flagging the side walks of Washington Square and Union Place, which in the opinion of the Committee might be dispensed with for some years at least. These public places, although an ornament to the city, and conducive to the health and pleasure of the citizens, are nevertheless but of local benefit, and not general ; and it is a question, therefore, whether it is just to tax those residing remote from the place for its improvement, when the accommodation is principally confined to those who reside or own property in the vicinity ?

The opening of Streets is estimated at $20,000. There are but few cases in the opinion of your Committee, when the City Treasury ought to be resorted to for the purpose of paying the expense of opening streets. The Street Commissioner appears to have founded his estimate for this item upon the projects of widening Chatham, Pine, Beaver, and Chapel streets. The first of these may perhaps, be properly considered a public improvement, as it enlarges an avenue necessary to the accommodation of a large portion of citizens residing in the most populous part of the city, and is the only direct route by which they can reach the City Hall, and those parts of the city below it. The other projects alluded to,

cannot be so considered, as the Committee view them, and therefore, the estimate of $20,000, for this item must be more than ample for the object intended.

The *purchase and laying of water pipes* is stated at $10,000. The appropriation for this object, which was estimated as required for the present fiscal year, was $58,000. This sum, as your Committee understood at the time, was to cover every contract for pipes then existing or authorised, as well as the expense of laying them down, and they know of no authority since, authorising additional contracts for water pipes. The Committee conclude therefore, that the department must be in error, and that this amount will not be required unless the Common Council should order the laying of pipes to be continued, while, as it is understood, the works are scarcely able to supply water sufficient to keep those full which are already laid.

The amount for *Repairs and Supplies* $20,000, *Roads*, $25,000, &c. might be noticed as larger than usual; but sufficient has been shown to elucidate the object of the Committee which was to demonstrate the fact, that the estimates have in no instance been stinted in amount. In addition, it may be observed, that the nett amount of tax required, according to the showing of the Comptroller, is but $670,995, while he recommends an addition of $29,005, in order to bring it up to $700,000, and thus provide for any possible contingency that may occur. Your Committee think therefore, that no just complaint can be made by those who are to succeed them, as to the amount of tax authorised for the support of the city government during the next financial year of the Corporation.

It was the constant practice of the Comptroller, until the amended charter went into operation in 1831, to make his annual report of receipts and expenditures to the new Board, shortly after they were organized; since which the report

has uniformly been made in January of every year, and consequently comprises the disbursements of a part of two fiscal years, instead of one only. The Committee are of opinion that the original plan pursued by the Comptroller, is the most proper on several accounts. If the cash account shall be made up from May to May, it will then show the disbursements of the Common Council, whose time of service has just expired, which it ought to do, in order to shield their successors from blame for any improper expenditure, should any such be made ; and also if the proceedings of the retiring Board has been guided by judgment and economy in the disbursements of the public funds, that the credit of such conduct might attach to those who had earned it. The new Board will also be the better enabled to judge of their ways and means for meeting the demands on them. The balance in the Treasury, the amount of tax then to be collected, and the receipts for corporation rents, &c., which compose the resources of the City Government can be better ascertained, and the necessary appropriations more accurately distributed to the several heads of expenditure, than when the cash account is reported at a time when only two-thirds of the fiscal year has expired.

If in addition to the foregoing views, the Common Council had the authority, which is possessed by every city and county in the State, to raise such amount of tax annually as they may find necessary, without this yearly application to the Legislature, the arrangement in the opinion of your Committee would be complete ; for in that case, the Common Council elected for the year would be enabled to make the estimate of their disbursements, and at the same time determine the sum necessary to be raised to meet them, while as at present arranged, the Common Council now in existence, determine the sum to be raised to meet the disbursements of those who are to succeed them.

The objection to conferring this power on the Common Council has been, as the Committee are aware, that it would be removing a salutary check which the Legislature now possess upon the application. The fact is, however, that this annual application is but a mere form, and the granting of it a matter of course. There needs no further proof of this than the fact, that in no one instance since the formation of our present state government, has the Legislature either reduced the amount of tax applied for, or omitted to grant the application. The year 1833 was pregnant with complaints against the Common Council for requiring so large an amount of tax, yet the Legislature passed the law, transmitted them without inquiry or objection, allowing the full amount of tax requested, although the sum was unusually large. The only check therefore rests with those who elect the Common Council, and whether they vote for an ordinance to assess $700,000 as taxes, or in favor of sending the draft of a law to the Legislature, authorising this sum to be raised, is the same in substance, and can as quickly be corrected by the people in the one case, as in the other.

The Committee propose the following resolution :

Resolved, that the Counsel prepare a bill to be presented to the Legislature at their present session, authorising the Corporation to raise by tax, on the real and personal estate in this city, the sum of $700,000, and such further amount as will pay the quota of this county to common schools, liquidate the insolvent returns of 1833, and the expense of the collection of the tax.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

(A.)

By the fifth section of "A law making appropriations for the expenses of the financial year of this present Common Council," approved by the Mayor, August 9th, 1833, it is required that "the Comptroller shall, in the month of December annually, report to the Common Council an estimated calculation of the probable amount of tax that may be required for the ensuing financial year, in order that application may be made to the Legislature for authority to raise such sum as the Common Council shall deem proper and necessary."

In obedience thereto, the accompanying estimate is now respectfully presented to the Common Council.

In laying said document before the Common Council, the Comptroller deems it proper respectfully to state, that the estimates for 1832 and 1833 were delayed until the twenty-third and twenty-first of January of those years; by which, time was afforded to ascertain, with some degree of precision, the deficiencies of the previous years, and that as the law now requires this duty to be performed before the time arrives for closing the accounts of his department, the estimate now offered must of necessity, be more imperfect than those of the two preceding years.

By the statement herewith presented, the amount required to be raised by tax appears to be about $663,500; but, inasmuch as the principal projections for creating new expenditures have heretofore been decided upon *after* the application to the Legislature has been in progress, the Comptroller would, with deference, suggest the expediency of adding thereto, the sum of at least $136,500, as a reserve fund, to

meet any such contingency, and also to supply the deficiencies of the present year, making a total of $800,000.

All which is respectfully submitted by

T. J. WATERS, *Comptroller.*

New York, December 30th, 1833.

ESTIMATE OF NETT PAYMENTS FOR THE YEAR 1834,

Alms House, Bridewell and Penitentiary,	$145,000 00
Board of Health,	5,000 00
Charities,	3,000 00
Cleaning Streets,	50,000 00
Coroner's fees and expenses,	3,700 00
County Contingencies,	20,000 00
Courts,	28,000 00
Docks and Slips,	100,000 00
Elections,	4,000 00
Fire Department,	15,000 00
Interest Account,	55,000 00
Intestate Estates,	1,000 00
Justices' Courts,	3,000 00
Lamps and Gas,	80 000 00
Lands and Places,	10,000 00
Markets,	10,000 00
Police,	15,000 00
Printing and Stationery,	5,000 00
Public Reservoir and Pipes,	10,000 00
Repairs and Supplies,	20,000 00
Salaries,	43,000 00
Streets opening, &c.	20,000 00
Street expenses, repairing, &c.	40,000 00
Watch,	120,000 00
Wells and Pumps,	6,000 00
Roads,	25,000 00
	$839,700 00

ESTIMATED NETT RECEIPTS FOR THE YEAR 1834.

Annual Rents, . . .	$105,000 00	
Auction Duties from the State,	10,000 00	
Arrears of Taxes, . .	5,000 00	
Commutation of Alien Passengers,	30,000 00	
Mayorality Fees, . . .	1,200 00	
Penalties, ...	1,000 00	
Tavern and Excise Licenses, .	24,000,00	175,200 00
Which leaves the amount to be raised by tax at		$663,500 00

(B.)

DEAR SIR,

The estimate for the tax of 1834, previously made to the Common Council has been carefully reviewed *since* the actual payments for the last year have been ascertained, the result you will find in the document now handed to you, by which it appears that the sum required to be raised by tax, will be about $671,000. As some of these sums may possibly be increased, and perhaps also some new expenditure be authorised for objects not at present thought of, I am rather disposed to think that it would be but prudent to make provision for such contingencies by increasing the amount to $700,000.

The difference between the previous and present estimate arises mainly from the proposed provision for new objects of expenditure; having especially in view the purchase of ground and erection of markets; but under the supposition that the accumulations of the Sinking Fund revenues may be in that way invested, the proposed provision is now diminished, inasmuch as the necessity of increasing the tax would thereby be obviated.

Yours, &c, very respectfully,

T. J. WATERS,

Comptroller.

New York, February 6, 1834.

To STEPHEN ALLEN, Esq.,
Chairman of the Committee on Finance,
of the Board of Assistants.

ESTIMATE FOR THE PROBABLE NETT PAYMENTS FOR THE YEAR 1834.

Alms House, Bridewell, and Penitentiary,	$135,000 00
Board of Health,	5,000 00
Charities,	4,500 00
Cleaning Streets,	48,000 00
Coroner's Fees and Expenses,	3,200 00
County Contingencies,	20,000 00
Courts,	28,000 00
Docks and Slips,	100,000 00
Elections,	4,000 00
Fire Department,	14,000 00
Interest Account,	55,000 00
Intestate Estates,	500 00
Justices' Courts,	2,500 00
Lamps and Gas,	80,000 00
Lands and Places,	10,000 00
Markets,	10,000 00
Police,	14,000 00
Printing and Stationery,	7,000 00
Public Reservoir and Pipes for current expenses,	4,000 00
Repairs and Supplies,	20,000 00
Salaries,	43,000 00
Streets, for opening, widening, &c.	20,000 00
Street Expenses,	40,000 00
Watch,	120,000 00
Wells and Pumps,	4,000 00
Roads,	25,000 00
Water Pipes, for the purchase and laying down,	10,000 00
	$826,700 00

To which add the following sums for disbursements, ordered subsequent to the esti-

mate for the last year's tax, which items have in consequence not yet been provided for, viz :	
For purchase of a lot on Walnut street, .	1,500 00
Iron Railing on Chatham street, . .	1,555 00
Fitting up a House of Detention, . .	1,600 00
Lateral Drains to Sewer in Carmine street, .	2,600 00
Retaining Culverts to Sewer in Canal street,	4,350 00
Blasting Rock, and Regulating Union Place,	4,794 95
Water Commissioners, under the State Law,	4,095 11
Making a Total of . . .	$847,195 06

Total of probable Nett Payments, . 847,195 06

ESTIMATED NETT RECEIPTS FOR THE YEAR 1834.

Annual Rents, . .	$105,000 00	
Auction Duties from the State,	10,000 00	
Arrears of Taxes, . .	5,000 00	
Commutation of Alien Passengers,	30,000 00	
Mayoralty Fees, . .	1,200 00	
Penalties, . .	1,000 00	
Tavern and Excise Licenses,	24,000 00	176,200 00

Which leaves the amount to be raised by tax at $670,995 06

(C.)

Dear Sir,

In reply to your note of the 27th instant, requesting information as to the amounts of money which may be required for those branches of the public service, connected with the Street Commissioner's Department for the ensuing year, permit me to say, that any estimate now made, must necessarily be hypothetical, inasmuch as in many cases the amounts required may arise out of improvements suggested during the year, but not imagined at its commencement.

From the best information now in my possession, I beg leave to submit the following estimate:

Charges on Arrears of Assessment, . .	$ 1,000
Docks and Slips, ...	100,000
Lands and Places, ...	10,000
Roads, ...	25,000
Streets for one-third value of buildings assessed on the public in opening and widening, and assessments in Corporation property,	20,000
Street Expenses, ...	40,000
Wells and Pumps, ...	6,000

GEO. B. SMITH,
Street Commissioner.

T. J. Waters, Esq. Comptroller.
December 30*th*, 1833.

T. J. Waters, Esq.

Sir,

In explanation of the estimates furnished to you a few days since, and in relation to the amounts therein contained, permit me to say :

Arrears of Assessment. The estimate of $1,000 for expenses on arrears of assessment, consists of the printer's charges for advertising the certificates, leases, &c. and from the amount of former years may be considered as sufficiently near for any useful purpose.

Docks and Slips. The amount of $100,000, for building and repairing the public docks and slips, is made up from the elements hereinafter described.

1st. There is a subsisting contract for building a bulkhead, and filling up the water lots from the Kill Road to the centre of Twelfth street, for which an appropriation of near $40,000 was made. This work is progressing, and about $18,000 has been paid out on account, and probably about $10,000 may be required from the present time to the month of May, leaving about $12,000 to complete the contracts during the remaining part of the season.

2d. There is also a contract to build a bulkhead on the East river, in front of the Bellevue property, from 23d to 28th street, which will be about 1400 feet in length. The contract price for which is $21 55 per foot, and will require a disbursement of about $30,000 which work has been commenced and about three hundred feet sunk, (and which has afforded to the Superintendent of the Alms House the means to give employment to the paupers in filling behind the same, in which work they are now engaged,) but no application

has been yet made by the contractor for any payment on account.

The very severe weather has caused a temporary cessation of the work, but it will be resumed as soon as possible.

It is probable that about $10,000 on this account may be required by the month of May next, leaving about $20,000 to complete the payments on the contract afterwards: thus it will be seen that about $32,000 of the year's appropriation for this branch of the public service will remain unexpended at the period when the new Common Council will commence their proceedings, and must be included in the amounts required for the then current year by *re-appropriation*, unless it should be considered that such unexpended balances stand good, without reference to date, until the work on which they are predicated shall be completed and the disbursement actually made.

3d. The Common Council by resolution passed November 11th, last, have declared that when the owners of the water lots between Pike street and Rutger's street, have built the bulkhead and filled up South street, between Pike street and Rutger's street, and which the said owners will commence as early as the opening of the Spring will permit, (inasmuch as the measures are by their own suggestions,) that then they the Corporation, will build at the public cost, two piers in front of the said bulkhead, to be each 200 feet long, and which will require the outlay of at least $10,000 for each, making $20,000 for both.

4th. It will also be necessary as soon as the bulkhead is built, or perhaps commenced, to extend the present pier on the westerly side of Rutger's slip, inasmuch as it will be entirely covered by the new bulkhead, and if this be carried out as far as it is proposed to build the new piers just spoken of, and with a suitable L towards Pike street, it will cost about

$12,500, and if with the other limb towards Rutger's street, so as to form a T, will cost about $15,000.

If the owners of the adjacent water grants should decline to unite with the Common Council, which is probable, then the whole, if built, will be at the public charge.

5th. Measures are in progress for the erection of a pier in the North river, from the foot of Watts street, and notice has been given to all the adjacent owners of grants to ascertain whether they will unite with the public agreeably to the terms of the statute in contributing towards the expense of such erection, and although the term of the notice has not yet expired, yet from personal communication with some of the parties concerned, the subscriber is under the belief that they do not intend to contribute, but mean to abandon any interest that otherwise might accrue.

Although the water in this part of the river is not deep, yet there is a very heavy deposit of mud to sink the pier through, and it is proposed to be 250 feet long with double arms or a T, to the North and South, and it is believed that not less than $13,000 will be required to effect this object.

6th. About two years since petitions were presented for the construction of a pier in the North river from the foot of Hammond street, which were not then successful, but it is understood the applications will be renewed the coming Spring, and from the great increase of population in that part of the Ninth Ward, and the very considerable front on the river, without the shelter afforded by the piers, it would seem reasonable to imagine such application might be successful. If so, about the same amount would be required as for that at Watts street, say $13,000.

7th. The building of the bulkhead across the Old slip and Coffee house slip, will probably cost together about $6,000, one-third of which, say $2,000, must be borne by the public.

It has been suggested that from the superabundance of earth expected in the Spring from excavations for new buildings, the privilege of depositing earth in those slips may be sold, and so deduct from the cost of the bulkheads. It is not unlikely this may be effected, and as the subscriber proposes to publish an advertisement to that effect, the result will soon be known.

On the other hand a claim is set up from damage arising from building the bulkhead, on the line of South street, across Old slip, which will take up the room occupied as one berth, and belonging to the Jones' family; you will no doubt remember the examinations some time since made by us jointly as to this point, and the conclusion we came to that the claim was a legal one. How much amount of damage would be allowed, and whether such sum or any part of it could be assessed on the surrounding property along with the general assessment for the bulkhead, must remain for future examination.

The piers running out from these slips will probably require an extension into the river, which perhaps would not be accomplished until the succeeding year.

8th. The ordinary repairs to the public docks and slips, arising from the annual wear and tear, (without the occurrence of any unforseen calamity, such as the late severe storm,) will amount to about $10,000, and this item must constantly increase, from the concurrence of two causes, viz. the additional age of the existing wharves, and the addition to their number by the building of new ones.

If the above statements may claim a reasonable share of confidence, the following will be the result:

For unexpended balance of appropriation for bulkhead, &c. at Fort Gansevoort,	$12,000
Do. do. at Bellevue, . .	20,000
Two piers between Pike and Rutgers' street,	20,000

Extension of pier at Rutgers' slip with L,	12,500
Pier at Watt street, . . .	13,000
Pier at Hammond street, . .	13,000
Corporation part of two bulkheads, one at Old Slip, and one at Coffee House Slip,	2,000
Annual Repairs, . . .	10,000
	$102,500

If, as before mentioned, the unexpended balances remain without any occasion for re-appropriation, it will of course subduct so much from this amount.

LANDS AND PLACES. The sum of $10,000 is stated as being required for disbursement on the public lands and places, and will consist,

1st. Of the pay to the keepers and persons employed in and about the several parks and battery, the purchase of trees and garden mould, and such incidentals as may be required, and it is supposed will need about $3,000 for this branch.

2d. The side walks around Washington Square have never yet been flagged, although under the ordinances of the Common Council, all the owners of all the surrounding lots have been compelled to lay their walks, and it is believed it will be necessary to flag these walks this year. The surface to be flagged is about 40,000 feet, and the flag stones will cost, including the laying, about twelve and a half cents per foot, and so will require about five thousand dollars.

3d. A resolution has been offered in the Board of Aldermen by the Alderman of the Twelfth Ward, to lay the side walks of the paved part of the Bloomingdale Road from 14th to 17th street, through Union Square; if this be done the surface to be covered with flags, will be about 20,000 feet, and will require about $2,000, as the flags used would not be as high priced as those which would be placed around Washington Square.

This last work may not be required, as a difference exists as to the true construction of the law establishing Union Place, that is, whether the streets which have intersected it, retain their character of streets, and as such are to remain open, or whether being merged in Union Place, the Corporation have a right to enclose any such parts thereof, as they may deem expedient.

It is understood the above resolution has been offered with a view to bring this question to issue, and hence it is thought best to provide for defraying the expense of carrying the resolution into effect. Should the Common Council pass it, if otherwise, and the amount should not be required, it would of course not be used.

It is here proper to remark, that perhaps a much larger sum may be required for expenditure on the public lands and places, arising from the following causes:

About three years since, when the question for the final regulation of that part of the city commonly called "Stuyvesant's Meadows," was about to be definitively settled, a square to consist of three blocks of ground and streets comprising all the space between avenues A and B, and from 7th to 10th street, and being equal in quantity to about 200 *lots of ground* was projected, and among the reasons at that time offered why it should be adopted, one of the most prominent was, that by this means a place of deposit would be made to receive the refuse dirt, &c., from the streets of the lower part of the city, and so continue for a number of years, until gradually, the whole might be filled up to the level of the adjacent streets with little cost to the public, and at the same time a measure consummated, which would not only greatly lessen the immediate quantity of filling required, but also eventually benefit to a considerable distance the surrounding property.

The project was favorably received and adopted by the

Corporation, and on their application, the necessary law was enacted by the Legislature, after which the Commissioners of Estimate and Assessment were appointed, who have now, as is understood, completed their valuations of the property to be taken, as well as their assessments on the property benefited, and as there are no buildings to be taken, no charge can be made against the Corporation for any part of the land.

But meanwhile the ownership of the surrounding land has, in many instances changed, and it is very possible that the present owners may not be aware of the circumstances connected with the original formation of this project, or being so acquainted may not have the same views thereon, they may now not be disposed to wait the gradual operation of filling 200 lots of ground from the offscouring of the streets in the lower parts of the city, or they may be disposed (and perhaps reasonably) to imagine that the accumulation of large quantities of refuse matter congregated in one mass is not very desirable or conducive to health.

But more especially if these assessments are confirmed by the Supreme Court, as they probably will be in the Spring, and the parties are called upon to pay them, *and having done so*, will they not apply to the Common Council to have the land filled up and enclosed and trees set out, &c., &c., as has been done with other public squares: what may be the result of such applications cannot now be foreseen, but that they will be made, appears very manifest; hence it seems to be my duty to lay before you these matters for your judgment thereon; and if this subject should take such a course, it would require a sum probably not less than $20,000 to fill up this land, and perhaps more.

For the Expenditure on Roads, $25,000 is estimated, and will be as follows:

There are on this island, exclusive of the paved parts of the streets and avenues, between forty-five and fifty miles of

open roads, which are to be worked and kept in repair, p r-tions of them to be gravelled where it can be had without encountering too great expense in carting, and in some parts which are very deep and sloughy in bad weather, it is indispensably necessary to face the road for short distances with broken stone ; this method has been pursued during the last year, and it is believed with much advantage, and it is thought that at least $10,000 will be required for this object.

It is proper also to state that if the blasting and removing the rock from the Eighth Avenue should be determined on, (which appears probable,) $13,000 is the amount estimated for that object alone, arising from the supposed quantity of rock to be removed ; but if there should happen to be more, which can only be determined by levels taken from time to time, as the work progresses, then something more will be required, and it is but prudent to allow $2,000 for such contingencies.

For the charge against the public for one-third value of buildings taken in opening streets or widening streets, and assessments for the like purposes on lots and buildings belonging to the Corporation, $20,000 is stated as the probable amount required.

Any amount stated for any such purposes must necessarily be contingent.

It will be seen that projects are going on in respect of widening Chatham street, Chapel street, Pine street and Beaver street, in which many buildings must be cut down, but how much the Commissioners may find it necessary to assess the public, is at present beyond any human ken ; and if the scheme of widening William street, throughout nearly its whole length, and also opening it into Chatham street should be determined upon, perhaps a much larger sum may be necessary.

The above sum is stated only because no larger amount has hitherto been charged against the public in any one year.

For Street Expenses, which include the repairs to all intersections or crossings of streets throughout the city, and to all streets which are what are termed "accepted,"—that is, which come under the operation of the law of 1824, and also the purchase of all curb, gutter, bridge and paving stones required, and also, the repairs to the streets in front of all the public buildings belonging to the city, $40,000 is stated.

This branch of the public service is rapidly increasing in expense, and from the operation of the law above mentioned, must necessarily continue to do so, until finally all the pavements of the streets of the city are to be kept in repair at the public charge.

Since the date of the law, viz. the 22d November, 1824, there have been placed on the books of the Street Commissioner's Office, as directed by the ordinance, three hundred and sixty-one streets and parts of streets, and being in length between forty-five and forty-six miles of pavement, and to which must also be added, all the intersections of streets, the heads of the public slips, and in front of the parks and buildings which the Corporation are charged with keeping in repair, and the inhabitants knowing this, are unceasing in their calls for repairs, besides the changes made by the ordinances of the year 1832, in relation to the dimensions of the curb and gutter and bridge stones used, have more than doubled the cost of them, and very properly so, as the cross sections of the stone now used contain more than twice the cubical content of those under the former regulations, and the alterations are manifiestly advantageous to the public: so, likewise, attempts have been made to procure better paving stone, both as to size and quality, than were formerly received, and in some considerable measure have succeeded.

I am persuaded the sum above mentioned will be necessary to defray the expenses which must be incurred under this head.

WELLS.—For Wells and Pumps, digging and building the same, and repairing wells, the sum of $6,000 is stated, and is based on the experience of former years, from which there does not appear any reason to depart.

Very respectfully,

GEORGE B. SMITH,
Street Commissioner.

T. J. WATERS, Esq., *Comptroller.*

(D.)

Tallman J. Waters, Esq., Comptroller of the City of New York.

Sir,

I have consulted with several of the members of the Lamp and Gas Committee, and have come to the conclusion that the probable expense of the Lamp Department will be

For three hundred Gas Lamps complete for lighting, at $25 30,	$7,590	00
Cost of Gas the whole number, six months in the year,	918	00
Do. for Lighting,	728	00
Do. for repairs of Lamps, Posts, and Pipes,	150	00
Two hundred Common Lamps complete, at $8 25,	1,650	00
Cost of Oil the whole number, six months in the year,	612	00
Do. for Lighting,	414	00
Do. Repairs of Lamps and Posts,	300	00
The present number of Lamps for year,		
Cost of Oil,	32,053	77
Do. for Lighting,	21,648	06
Do. Repairs Lamps and Posts,	1,600	00
For Gas Lamps, present year,		
Cost of Gas,	2,341	66
Do. for Lighting,	2,108	64
Do. Repairs of Lamps and Posts,	400	00
For Lamps lost and condemned,	177	75
	$72,691	88
Probable cost of Oil for Institution,	3,440	00
	$76,131	88

Respectfully,

J. SNETHEN, Supt. of Lamps.

(E.)

New York, Dec. 28, 1833.

Tallman J. Waters, Esq., Comptroller,

Sir,

The Commissioners of the Fire Department, estimate that it will require the following sums to be appropriated by the Common Council, to meet the demands that will be made during the year 1834, against the departments hereafter enumerated, viz.

Fire Department, . . .	$14,000
Public Resevoir and Pipes, . .	10,000
Repairs and Supplies, . . .	20,000
Wells and Pumps, . . .	4,000

Respectfully,

JACOB P. ROOME.

DOCUMENT NO. XLII.

BOARD OF ASSISTANTS.

FEBRUARY 10, 1834.

The following Report from the Comptroller, on the resolution offered by Assistant Alderman J. A. Smith, relative to the assessment and collection of taxes, was ordered to be printed, under the direction of the Comptroller, and referred to the Finance Committee.

JOHN W. RICHARDSON, Clerk.

In answering the call of the Board of Assistants, as per resolution hereunto annexed—"That the Comptroller report to this Board, the evils and injustice which result from the present mode of assessing and collecting the tax upon personal property in this city, and also the mode which in his opinion, will most effectually remove the said evils and injustice"—the undersigned would respectfully state, that influenced by circumstances involving considerations of public policy, and pressed by the many other and indispensable

duties of his department, he has delayed this communication longer than it was his intention or expectation to have done when the call was made; he has however bestowed upon the subject committed to him, his most attentive consideration, the result of which he now has the honor to lay before the Board.

Although by the terms of the aforesaid resolution, real estate is not included in the inquiry, yet the intimate relation between real estate and personal estate in their valuation, for the purposes of taxation, will he trusts, sufficiently excuse the liberty taken, in embracing both descriptions of property in this report.

By the provisions of the Revised Statutes, vol. 1, p. 388, § 3, personal estate is defined thus:

"The terms 'personal estate,' and 'personal property,' whenever they occur in this chapter, shall be construed to include all household furniture, monies, goods, chattels, debts due from solvent debtors, whether on account, contract, note, bond or mortgage; public stocks, and stocks in monied corporations. They shall also be construed to include such portion of the capital of incorporated companies liable to taxation on their capital, as shall not be invested in real estate:" and by the same statutes, vol. 1, p. 389, § 5, it is declared that "Every person shall be assessed in the town or ward where he resides when the assessment is made, for all personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor or administrator; and in no case shall property so held under either of these trusts, be assessed against any other person."

In his annual report for the year 1831, with special reference to the bearing of this law upon the tax lists of our city, the Comptroller introduced the subject to the notice of the Common Council, in the words following, viz: "With regard to personal estate, it can hardly be doubted by any person acquainted with the main business sections of this

city, and at all familiar with the tax lists, but that a large amount of capital is actively employed, which contributes nothing to the support of the public burdens, while the property controlled by its means, participates in all the advantages of our city as a mart for business, and shares also in the protection and security afforded by our heavy expenditures for the watch, lamp, police and criminal court establishments, and the various other expenses to which a city government is necessarily liable. At present this subject rests entirely with the assessors, on whom it is incumbent to make the most rigid and particular inquiries, while progressing with their assessments; and it is hoped that in another year the tax rolls will contain evidence of their increased efforts. *There is however, a portion of our business population that must unavoidably escape enrolment on our lists, from the circumstance of their residing in an adjoining county; a fact which may yet become of some interest to our city generally, but more especially so to the upper districts; it is therefore thought worthy of notice in the present communication from this department,*" and the opinions therein expressed have been fully confirmed by subsequent circumstances: so far as relates to the amount of unassessed property generally, the great increase in the assessment lists of the year 1833, speaks conclusively—but the evil is only abated, it is not yet remedied; the assessors have doubtless been much aided by the law of April 27th, 1833, which authorises the free inspection of the books of the Register, in which mortgages and contracts for the sale of land are recorded, and the inspection of all unrecorded mortgages and contracts; but, as the records of this county are so voluminous and extensive, it is believed that a thorough search would require more time than the assessors could at all spare from their other duties; and, therefore, that the aid afforded by the said law must fall short of its intention, so far as this county is concerned: but further, suppose the intentions of said law to be fully realized—according to its first section, they extend

only to "debts owing by inhabitants of this state to persons not residing therein, for the purchase of any real estate, or secured by a mortgage on real estate :" consequently all the other descriptions of personal property remain as before, subject to the mere conjecture or guessing of the assessors, for with some few exceptions of personal knowledge or direct information, by affidavit or otherwise, they are left without other guide than that of common report; the result is that those who are over assessed obtain relief either from the assessor or the Common Council; those who are not assessed to the full amount of their personal estate, avoid the payment of their just proportion of taxes, and those who escape enrolment, avoid any contribution to the maintenance of the city government,—and these two last classes are believed to be very great, both in number and amount. The lists of 1833, compared with those of former years, furnish incontestible evidence that many persons have heretofore been estimated very far below the true amount, some of whom, it is quite probable, have now been reached to the full extent of their taxable personal estate; and while this fact, in itself, furnishes no just cause of complaint, yet, if there are others who have escaped, either partially or wholly, as is beyond all question the case, the injustice is manifest, for the first most certainly pays not only his own just proportion, but also, the partial or entire deficiencies, as the case may be, of the two last.

With regard to the second branch of the remarks previously quoted, (relative to non-residents,) the Comptroller is of opinion that the subject has not only become one of interest to the city generally, but is likely to become a grievance of considerable magnitude, unless prevented by a timely applied corrective. From the want of statistical information as to the number and wealth of persons whose *business residence* is in this city, but whose *family residence* is without the county, and who thereby escape enrolment on our tax lists, the Comptroller is obliged to draw his conclusions from such premises

his own observation and the present state of things seem to furnish ; and although the *extent* of the evil cannot at present be shown, yet he thinks that its *existence* will be made manifest in a short retrospect of the past, and a brief consideration of the present and prospective circumstances of our nearest neighbors, as bearing upon the question in hand.

The efforts that have been made within the last few years to increase the means of intercourse between the town of Brooklyn and the city of New York, are doubless within the recollection of many, if not of most of the members of the Common Council, and it may serve our present purpose to bring again to mind, by whom those efforts were principally made ; the nature of the application to the Common Council and the object to have been attained by its success. The minutes and documents of the Common Council will show the names of the applicants ; and the records of King's county, I apprehend, will certify them to have been (as they were generally reputed to be at the time) persons greatly interested in the land speculations of the day, and in the vicinity of the proposed starting point of communication with New York. The application was for a ferry from the foot of Jeroleman street, (or thereabout,) on Long Island, to Old slip in New York, and back : was it for the accommodation of a greatly increased trade with the interior of the island? Certainly not, for the facts of the case were then, and still continue opposed to such a supposition. Was it for the greater convenience and benefit of persons from the interior of the island, bringing their products to our market ? That surely could not be, for by availing themselves of the proposed ferry, they would have avoided a market in the densely settled part of Brooklyn, and a main market on this side, at which they had been accustomed to make a ready and advantageous disposal of their produce, to arrive at a market that

was almost nominal compared with the others. But its design was, and was so avowed at the time, (if my memory be faithful,) to provide for the convenient transportation of *passengers principally ;* and the population of that vicinity was then so *sparse*, that the measure could be interpreted *only* as a scheme for private benefit, to draw residents from that portion of our population transacting business in the neighborhood of the contemplated landing place at Old slip, presenting as inducments to such location, the facility of direct intercourse with the main seat or centre of business, cheaper rents for family residence, less amount if not entire exemption from personal tax, and superadded thereto, the advantage of the rise of property that must almost necessarily result from the increase of inhabitants : but during the pendency of the application the Fulton street Ferry Company interposed their claims, to such exclusive privileges, under the covenants of the existing lease, as seemed to render it inexpedient to grant the prayer of the petitioners at that time. Since then, however, great alterations have been made at Brooklyn, by the opening of new streets, and the erection of buildings ; the improvements extending, in some instances, even beyond the limits claimed by the Fulton street Company ; it therefore seems befitting that inquiry should be made, how our own city interests are, and probably will be affected thereby, under the existing laws relative to the taxation of personal property. A personal examination of that section of Brooklyn which lies southerly of the main street or road, will certify the great mass of buildings to be dwelling houses, generally good, and in very many instances, far above mediocrity.

Now, in a place of such extensive accommodations for dwelling, it seems but reasonable to look for a corresponding business whence their support may be drawn ; but a search at Brooklyn, I apprehend, would terminate in disappointment, for (excepting the trade for local supplies) it is, in a com-

mercial point of view, rather a place of storage and deposit of the bulkier articles of merchandise, than one of trade and commerce, either foreign or domestic ; hence we are led to the conclusion justified by the facts of the case : viz., that the said dwelling houses are and will probably continue to be the residences in many, if not most instances, (in the section before named) of persons whose business transactions are conducted principally or wholly within the precincts of our city ; and if my information be correct, generally engaged in commerce, and a very considerable number of them dealers in the more valuable commodities of trade.

Now, until the nature of man shall be changed, wealth will require guardianship and protection, and especially that description of property which is most liable to depredation and abstraction from its owner's possession : and wherever there is the greatest accumulation of such property, *there* will most likely be the greatest number and the most adroit depredators, and consequently the most efficient measures required to ensure protection ; in accordance with such views, our City Government, faithful to its trust in providing for the safety of the immense amount of property constantly within its jurisdictional limits, sustains the watch, lamp, and fire departments, and also the police and criminal court establishments, by an annual expenditure of money, exceeding in amount the disbursements of several of the state governments ; and in the benefits thus procured, these very non-residents before referred to, participate as directly *to the extent of the property they own or control in this city*, as do our own citizens who alone are called upon to pay the whole tax therefor.

The same goal may be reached by a shorter route, which for the sake of greater perspicuity will also be stated : we have only to admit what is incontrovertibly the fact under the existing laws, that a man who does not reside here, can-

not be assessed and taxed here upon his personal estates; and there being no law to prevent, he may here permanently transact whatever business he chooses, and to the full extent of his means, entirely free from public charge; therefore it is but to give latitude to the operation of the principle, and the opposite shores may be settled with a dense population, who will come over to this city in the morning, pursue their several avocations, accumulate wealth, and at evening retire, not only free from any city charge, but also in the very comfortable assurance that their wealth is protected absolutely at our expense. And this, it will be recollected, is in addition to their general participation in all the peculiarly great advantages of our city for the purposes of commerce, increased in its facilities by very heavy annual expenditures for the building and upholding of wharves and piers; and for the paving, repairing and cleaning of the streets used principally for the transportation of merchandise; and indeed by every other expense incidental to it as a place of great commerce. It is in addition also, to the *services* of our citizens contributing to their advantage; for example, in cases of fire, on whose services do or can they rely to prevent the devastation of their property here, but on those of *our* firemen, who are ever on the alert to perform their always laborious and oftentimes dangerous duties?

Again, if in the course of their business transactions, causes of litigation arise, (and it can hardly be supposed otherwise,) where are they placed for settlement, but in our courts: and on whom then do, or can they call to adjust the matters in difference, but on *our* jurymen? Here then are duties also which they avoid, and to which our own citizens are liable, duties frequently involving danger and great labor, and always a considerable sacrifice of time, and for all these benefits, these non-residents make no return, neither can they be compelled to make any, under the existing laws rela-

tive to taxation: thus the *existence* of the evil is believed to be fully demonstrated; and that it is not likely to be diminished through their instrumentality, it is presumed, may be reasonably inferred from the negociation now on foot, for two additional boats on the Fulton street Ferry, to be used *for passengers exclusively.*

But further, may not such a state of things tend to create a community of interest between the owners of property and others on the opposite shores and those on the extreme point of our island, distinct from and measurably disadvantageous to the upper districts of our city? Nay, has it not already had some influence in effecting what has been familiarly called *the concentration of business*, further towards the south-western extremity of the island than might reasonably be deemed central, and more convenient for the major part of our *resident* population? If so, it is apprehended that it will want but the opportunity for full effect to afford another demonstration of the truth of the doctrine, that "Wealth is power."

The original objection may be urged with equal *propriety* against all that description of our business population, whose residence is without the county; but its *force* is greatest as regards Brooklyn, both from the peculiar locality of the place and the means of intercourse: the Comptroller has therefore, selected that place for the illustration of his views; and because as he conceives she already affords indubitable evidence of their correctness, and further, because though not at maturity, she is sufficiently advanced to have made by her public acts, such developments of her policy as to justify the conclusion that it will continue to be for her own aggrandisement, though it be somewhat at our expense.

In relation to the valuation of real estate, the rule prescribed by the Revised Statutes, vol. 1, p. 393, §17, is, that "all real and personal estate, liable to taxation, the value of

which shall not have been specified by the affidavit of the person taxed, shall be estimated by the assessors at its full value, as they would apprise the same in payment of a just debt due from a solvent debtor." Hence it is obvious that real estate (except in the cases so sworn to,) is left entirely with the *judgment* of the assessors, guided, perhaps, in some few instances by occasional sales ; for unless misinformed as to the practice on the subject, the revenue derived therefrom, has not, heretofore, formed even a part of the data of the estimate : it is consequently subject to the various, and oftentimes greatly conflicting opinions of the relative value entertained by the several assessors; and the result has been, that the appraisement might, with equal fitness, have been termed a conjecture, for numerous instances have occured where property has been assessed at sums very far below the prices for which the same was actually sold and that too within short periods either before or after such appraisement, while no instance is within my recollection of a sale effected at a price *less* than the estimate of the assessors ; and as every departure from the true and proper value must, of necessity, work injustice, the very great liability to such errors, arising from the fallibility of human judgement, it is conceived forms of itself a valid objection to the existing mode of valuing real estate for the purpose of taxation.

In answering the call as to the collection of the taxes, I feel bound to say that they are not made with the promptitude which the public interest requires, and the public have a right to expect from the number of persons employed to perform the duty ; and in conformation thereof, beg leave to state the following facts.

In conformity with the provisions of the law, for many years past the tax books have been prepared and ready for delivery on the first day of October in each year ; the collections during the months of October, November, and De-

cember, (although months of active business,) have seldom equalled *one-fifth* of the whole tax, leaving about *four-fifths* to be collected during the three months from the first of January, a task hitherto unaccomplished: and the collectors instead of settling up their accounts, and making their final returns, according to law, on the first day of April, have annually sought an extension of time beyond the legal allowance: and for several years past, more money has been paid in *after* the expiration of the legal time, than was paid in during the first three months of collection, and, as a necessary consequence of such delay, the Corporation have been obliged to pay interest on the loans made in anticipation of the revenue for several months longer than was just and equitable, either as regards the City Treasury or the individuals who had promptly met the demands for payments, for the latter in addition, have been obliged to contribute towards the payment of the excess of interest, equally with those who had been long indulged, although this may not be very burdensome, yet it is certainly grievous.

Annexed hereunto, is a tabular statement of the payments made by the collectors to the Treasurer, for the taxes of 1831 and 1832, showing the whole amount paid in by each collector, up to the first day of each month, and continued to the first day of May, in each year; by referring to said statement, it will be seen that in a number of cases, several months elapsed in which the payments (compared with the amount of tax rolls,) were almost nominal, and in some cases not a single payment was made for several months, and then, payments to a large amount, made from very small gatherings, and at the season of the year too, when money is not in the freest circulation; hence it appears but reasonable to infer, that in some cases at least, private convenience has been more consulted than the public interest; and also, the collectors have either been very remiss or unfortunate in

their efforts during the first three months of the time, or else, that their subsequent labors have been remarkably diligent and proportionately successful.

In furtherance of the success of their applications for extension of time to complete their collections and make their final returns, the collectors have (it may be said with great uniformity) alleged the impracticability of performing their duties within the time prescribed by law ; and this allegation, confirmed by the actual delay, in my mind argues so strongly against the efficiency of our present mode of collection, as to be entirely conclusive, when taken in connexion with what is actually done by other cities of the Union. Besides, by our system an unnecessary number of persons are employed, and at a needlessly great expense, as I hope to show ; for which purpose I will name the city of Boston, because possessed of positive information as to that place, in this particular ; in that city there is raised by tax about three hundred thousand dollars, the whole of which except the mere gleanings, is received into their Treasury by the agency of one person, with such occasional assistance as he may require, in less than two months from the issuing of the notices or bills, and at an expense of about three thousand dollars, certainly not much exceeding that sum. While here, to raise ordinarily about twice the amount of tax, there is employed one person in each Ward, whose aggregate compensations amounted to the sum of fifteen thousand seven hundred dollars, for the tax of 1831—and to the sum of seventeen thousand two hundred dollars, for the tax of 1832, not one of whom take less time than six months, most of them eight, and some of them ten months to complete their collections. Now from such facts, the conclusion seems not only natural but irresistible, that we employ more persons at a greater expense, who occupy much longer time than is at all necessary for the accomplishment of the work ; for to my mind, there is

no conceivable cause why what is actually done in Boston, in relation to this subject, may not be as well done in New York, if the necessary provision be made by law, and its execution entrusted to persons properly qualified by business capacity and habits to carry the same into effect. Again, instead of being within the same year, in the receipt of taxes sufficient to pay off all the bonds issued for temporary loans, (made in anticipation of those taxes,) and having an amount on deposit drawing an interest to meet (in part at least,) that which accrues on these anticipations the Corporation are annually compelled to add to the tax an amount sufficient to cover the interest accrued by reason of the delay before-mentioned: this, then, it is apprehended, may be justly esteemed another evil of our system.

Having set forth the evils and injustice of the present mode of assessing and collecting the taxes, as clearly and briefly as he could, it is now incumbent on him to propose such a plan as seems to him will most effectually remedy the same, and with that view, the Comptroller would respectfully suggest for the consideration of the Common Council, that all real estate from which a revenue is derived, should be assessed upon one general principle, according to its product; for example, suppose the Board of Assessors should decide it as their opinion, that to pay the various charges to which real estate is subject, and yield a reasonable interest on the investment to the owner, the gross revenue ought to be ten per cent. per annum: take that decision as a guide, and the property producing a gross income of one hundred dollars would then be valued at one thousand dollars, and so in proportion for greater or less sums. If it be objected to this mode, that it would not apply to all the real estate of the city and county, it is readily conceded that it would not; but it might and most probably would have the effect of equalizing the taxes on that portion of the real estate occupied by others

than the owners thereof, (which is doubtless by far the greatest in amount,) while it would form no impediment to a correct estimate of such property as may be in the occupancy of its owner ; nor of such as may be improved, but unoccupied : inasmuch as an assessor could as easily, if not more so, satisfy himself what a house or store would rent for, as what it would sell for : and so far as relates to unimproved and vacant property, that would continue to be precisely where it now is, with the judgment of the assessors.

Again, if it be said that although unimproved lots and vacant lands yield none, or but a trifling annual revenue, yet, that the owners thereof are virtually deriving a full interest on their investments, by reason of the rise in value of such property, within the immediate suburbs of the city particularly, and throughout the island generally : and that therefore, the income principle of valuation could not equitably be applied to such estate ; that inapplicability is admitted, and for the reasons herein set forth no change is proposed in relation to this description of estate : so that if such property should not be estimated at its proper value, the fact could be attributed only to error of judgment on the part of the assessors : but inasmuch as unimproved property cannot by possibility participate in the benefits procured by taxation, so fully as improved property does, the assessors would seem to be bound to pursue a liberal course of assessment towards the owners of unimproved real estate.

In the assessment of personal property the same object is proposed for attainment, viz. *equal taxation :* and it is but just to presume that all our citizens are willing to contribute in proportion to the amount of property they may hold that is legally liable to be taxed. In order more effectually to accomplish the end contemplated, it is requisite that the assessment rolls should contain as far as practicable, accurate estimates of all the personal estates legally liable to taxation

within our limits: and to ensure such estimates, the Comptroller respectfully proposes that it shall be made the imperative duty of every individual to make a return of the amount of personal estate which he, she or they may hold and be subject to taxation on a certain day, to be specified by law, such return to be made to the assessors of their respective Wards, or to such other persons and at such place as may be designated, and within a given period, also to be fixed by law, that said returns shall be made for the *full* amount so held on such certain day, under the penalty of having the tax quadrupled in any and every case of omission that may be ascertained: and for the better securing of a full and complete list, it is suggested that there should be kept at some public office, a register of the names and sums as the same shall be returned; which register, for the greater convenience of inquiry, should be arranged alphabetically, and be subject to inspection during all the hours of business, to the end that any apparent omission might be promptly tested on proper representation.

If the objection be raised that the foregoing proposition is too inquisitorial in its demands, it is thought to be fully and satisfactorily aswered, by stating the fact, that under the present law, the assessors not only possess, but do actually, and in their discretion, exercise the power vested in them, of *requiring* an affidavit or affirmation of the value of personal property: and further, that such instances within the past year have been pretty numerous: so that in truth no more is sought for now, than could have been *required* for many years past, had it been practicable for the assessors to have performed the task of ascertaining and testing all the parties liable to assessment.

With the view of reaching those who permanently transact their business in this city, but reside without the county, and have thereby hitherto escaped enrolment here, it is pro-

posed that every person having a business location in the city of New York, shall be registered and assessed at his, her or their place of business, and that all others shall be assessed as now, at their place of residence.

That there is nothing novel in the principle of the foregoing propositions, will readily be perceived by reference to the Revised Statutes, vol. 1, p. 389, art. 1, "Of the place in which property is to be assessed," section 6, which requires "that all the personal estate of every incorporated company, liable to taxation on its capital, shall be assessed in the town or ward where the principal office, or place for transacting the financial concerns of the company shall be, &c." and p. 414, title 4, section 2, by which "the president, cashier, secretary, treasurer, or other proper officer," is required to "make and deliver to the assessors or one of them, of the town or ward in which such company is liable to be taxed, a written statement, containing certain specifications as prescribed by law :" so that the principle has already been legally adopted and in operation for several years : and all that is now proposed is, that it shall be applied to individuals as well as companies, with as little embarrassment in its details as might be consistent with a faithful effectuation of the intentions of the law.

As a remedy for the evils attendant on the present mode of collecting the taxes ordered to be raised, the Comptroller would respectfully propose the establishment of a general receiving or tax office ; through which the whole business of taxation should be managed. The duty of the incumbent should be to provide the books, &c., for the assessors, and at the time appointed, give public notice in all the newspapers employed by the Corporation, that the assessors are about commencing their duties, and that the returns of personal estate would be received by them, (at the places to be designated) or by the incumbent of the tax office, where

the same should be registered forthwith on receipt: and on the return of the books by the assessors, after they shall have completed their assessments, it should be his duty to prepare the same for the action of the supervisors, and immediately after they shall have confirmed the assessments, and decided upon the sums to be raised, it shall be his duty to have the said books completed for collection; and as soon as finished to give public notice in all the public newspapers employed by the Corporation, of his readiness to receive the taxes; which notice shall be continued for at least six weeks; and the said incumbent or his deputies shall be continually there, and ready to receive such payments as may be offered during the business hours of said office, which, for the convenience of the public, shall be from nine o'clock in the morning until five o'clock in the afternoon, daily, (Sundays excepted.) It is also proposed that it shall be made by law the duty of the tax payers, either personally or by their agents, to pay their dues at said office; and, to urge a prompt payment of the same, it is suggested that the law should provide for the addition of a per centage upon all sums not paid within two months; which per centage should be increased on the first day of each succeeding month, and the amount so charged and collected, should be carried to the credit of the Wards respectively, in each succeeding tax, so that those who take extra time, may do so at their own expense, the rate to be fixed as follows, viz:

After two months one per cent shall be added,
do. three do. two do. do.
do. four do. three do. do.
do. five do. four do. do.

After six months, fourteen per cent per annum—to commence with the date of the public notice or advertisement of their readiness to receive the tax, each and every day's collections to be deposited in such bank and at such time as

the Common Council may designate; and the incumbents of said office to be appointed by and be under the entire control of the Common Council to whom they shall give sufficient surety for the faithful performance of their duties.

Under the provisions above named, it is believed that two or at most, three persons, of good business capacity and habits, would accomplish the collections in far less time, at much less cost, and, after a year or two, much more to the satisfaction of the community than it is now done; certainly to those persons interested in real estate, as it will enable them to ascertain, at all times, and with little trouble, the state of those liens on their property, and will very much facilitate inquiries in relation to transfers of property.

All which is respectfully submitted, by

T. J. WATERS,
Comptroller.

New York February 10, 1834.

Statement of the Amount of the Tax Rolls of the several Wards, and of the Monies paid in by the Collectors respectively, up to the dates at the head of each column, as per Treasurer's weekly returns, viz:

FOR THE YEAR 1831.

	AMOUNT OF TAX ROLL.	Paid in to 1st November.	1st Decem.	1st January. 1832.	1st February	1st March.	1st April.	1st May.
1st Ward,	$165,193 83	$10,000	$20,000	$40,000	$70,000	$80,000	$110,000	$154,000 00
2d Ward,	49,911 04	2,000	6,000	14,800	22,000	31,000	43,000	48,617 33
3d Ward,	52,613 66	5,000	9,000	14,000	19,000	25,000	41,000	48,700 00
4th Ward,	31,156 26	1,000	3,500	7,000	10,000	16,000	28,000	29,938 62
5th Ward,	43,503 94		1,000	5,000	7,000	12,000	23,000	26,000 00
6th Ward,	29,114 82		1,000	2,000	4,000	6,000	13,000	18,000 00
7th Ward,	30,210 98		3,100	6,100	9,100	10,600	16,800	22,100 00
8th Ward,	28,268 48	500	1,000	2,500	3,500	7,000	14,000	20,000 00
9th Ward,	46,583 26	2,000	4,000	7,000	10,000	11,000	17,000	25,000 00
10th Ward,	18,460 55			1,500	2,500	2,500	8,000	11,800 00
11th Ward,	18,024 72						4,500	13,500 00
12th Ward,	17,048 74		1,000	1,000	2,000	3,000	5,500	7,000 00
13th Ward,	10,513 07			1,800	2,800	4,300	5,300	9,000 00
14th Ward,	21.500 70			1,000	1,000	3,000	13,000	17,500 00
	$562,104 05	$20,500	$49,600	$103,700	$162,900	$211,400	$342,100	$451,155 95

FOR THE YEAR 1832.

	AMOUNT OF TAX ROLL.	Paid in to 1st November.	1st Decem.	1st Jauuary, 1833.	1st February	1st March.	1st April.	1st May.
1st Ward,	$185.785 35	$10,000	$30,000	$40,000	$70,000	$100,000	$140,000	$150,000
2d Ward,	60,339 62	1,000	10,000	16,000	26,000	41,000	54,000	58,300
3d Ward,	70,086 31	4,000	12,000	16,000	25,000	40,000	55,000	62,000
4th Ward,	37,025 40		3,500	7,000	12,000	20,000	33,000	35,000
5th Ward,	51,571 69		2,000	7,000	12,000	22,000	37,000	46,000
6th Ward,	31,985 64			2,000	4,000	6,000	12,000	14,000
7th Ward,	34,063 11				4,700	7,400	16,200	25,200
8th Ward,	34,887 16			1,000	4,000	7,000	15,500	21,500
9th Ward,	22,226 51			1,000	3,000	4,000	6,000	9,500
10th Ward,	21,266 40				1,000	3,500	8,000	12,000
11th Ward,	23,287 09				2,000	2,000	8,500	14,500
12th Ward,	20,441 30					2,000	6,500	7,500
13th Ward,	11,846 40		200	200	2,400	5,000	5,000	10,000
14th Ward,	27,779 41				3,000	5,000	12,000	15,000
15th Ward,	32,794 41					7,000	14,000	21,000
	$665,385 74	$15,000	$57,700	$90,200	$169,100	$271,900	$422,700	$501,500

DOCUMENT NO. XLIII.

BOARD OF ASSISTANTS.

FEBRUARY 17, 1834.

Report of the Finance Committee, to whom was referred a Report from a Committee of the Board of Aldermen, on the petition of John Leveridge, Esq., relative to the claim of the sureties of Joshua Mersereau.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a Report from a Committee of the Board of Aldermen, on the petition of John Leveridge, Esq., relative to the claim of the sureties of Joshua Mersereau,

REPORT,

That the transaction to which the aforesaid subject relates, occurred in the year 1826, when one William Curran, the master of the brig Irene, from Cork in Ireland, landed cer-

tain alien passengers, in violation of the laws of this state; and process being issued against Captain Curran, Mr. Mersereau, the Sheriff of Richmond county, was directed to serve it. Curran was accordingly taken into custody and brought to this city, the process having been served on him while on board his vessel, then laying in the stream between Staten Island and New Jersey. The authorities of New Jersey viewing this as a violation of their jurisdiction, issued process against Mersereau, who was compelled to enter into bail for his appearance. The suit, it now appears, has been prosecuted to judgment, and the property of Mersereau's sureties has been levied upon and will be sold, unless the money is forthwith provided for satisfying the said judgment. The prosecution having been ordered by the corporate authorities of this city, and as the Committee are informed, indemnity guaranteed to the officer, it is but just that the judgment against his sureties should be satisfied, and the Committee therefore propose a concurrence in the following resolution passed by the Board of Aldermen:

Resolved, That the Comptroller draw his Warrant in favor of John Leveridge, Esq., for the amount so due upon the judgment above mentioned, against the estate of Haste P. Cathell, and for the full satisfaction thereof; and that Mr. Leveridge return and file with the Comptroller, the proper acquittance for the payment thereof.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XLIV.

BOARD OF ASSISTANTS.

FEBRUARY 17, 1834.

Report of the Committee on Laws, &c. to whom was referred the following resolution respecting Tavern and Excise Licenses in this city.

JOHN W. RICHARDSON, Clerk.

Resolved, That application be made to the Legislature, during the present session thereof, for the passage of a law to vest the power of granting Tavern and Excise Licenses in the city of New York, in a Board of Commissioners to be appointed for that purpose, instead of the Mayor, Aldermen and Assistants, as is now provided by law.

The Committee on Laws, &c., to whom the annexed resolution was offered, beg leave to

REPORT,

That although objections may exist as to the manner in which licenses are at present granted to grocers, yet no mode, it is

conceived, can be adopted, with which some fault may not be found. The Committee therefore, being unable to see any sufficient good as likely to result from a change, recommend the following resolution :

Resolved, That it is not expedient to adopt any measure in relation to the licensing of grocers.

J. AUG. SMITH,
STEPHEN ALLEN,
JAMES FERRIS.

DOCUMENT NO. XLV.

BOARD OF ASSISTANTS.

FEBRUARY 17, 1834.

Report of the Finance Committee, to whom was referred a Report of a Committee of the Board of Aldermen, on the petitions of Dudley Selden, Charles Dusenberry, and Patrick Smith.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a Report of a Committee of the Board of Aldermen, on the petition of Dudley Selden, demanding the amount awarded him for closing Amity Lane ; also the petitions of Charles Dusenberry, and Patrick Smith, praying that the awards for injury to their property by closing said lane may be paid,

REPORT,

That on the 9th day of August, 1833, the Report of the Commissioners of Estimate and Assessment for closing Amity

lane, was confirmed by the Supreme Court; and on the 17th day of December of the same year, a resolution was adopted by the Common Council, postponing the closing of said lane until the first day of May, 1834.

By an act of the Legislature, passed the 20th of April, 1818, the Corporation are authorised to apply to the Supreme Court, for the appointment of Commissioners to estimate the damage in closing any street, lane, or alley, and converting the same to the use of the Corporation, and on the report of said Commissioners being confirmed by the Supreme Court, it shall be final and conclusive, as well upon the said Corporation as upon the persons interested in, and entitled to, the lands and premises mentioned in said report, and upon all other persons whomsoever; and the Mayor, Aldermen and Commonalty of the city of New York, shall become, and be seized in fee simple absolute, of all such streets, roads, lanes and alleys, or parts of such roads, lanes and alleys, as they may pray to have closed, in the application for that purpose; and therefore, the said Mayor, Aldermen and Commonalty, or any person or persons acting under their authority, may at any time or times thereafter, take the sole and exclusive possession of the same.

By the aforesaid act however, the Corporation are bound to pay within four months after the confirmation of the report, to the respective persons and parties mentioned in it, the respective sums estimated and reported in their favor, and in neglect, or default of payment, the persons interested, at any time after application first made to the Common Council for payment thereof, may sue and recover the same, with lawful interest, from and after the said application therefore, with costs of suit, in proper form of action against the Corporation. (40 sess. p. 201.)

Your Committee had two objects in view, in thus stating briefly the substance of the act under which the Corporation

are authorised to close streets, lanes or alleys, viz. 1st, To show that, although the Common Council may postpone the closing of any such street, lane or alley, they cannot delay the payment of the awards beyond the four months after confirmation of the report of the Commissioners. And 2d, That on the confirmation of said report by the Supreme Court, the Corporation, by the terms of said act, is vested in fee simple absolute, of all the lanes, streets or alleys so closed.

By an act also passed on the 20th of April, 1818, the Corporation are authorised to suspend the opening or enlarging any street for such time as they shall think proper, not exceeding fifteen months in the whole, after the confirmation of the report of the Commissioners, and they are not required to pay any of the awards until the expiration of four months after the time they shall direct the improvement to be carried into effect. (40 sess. 196.)

This act however, has no relation to the closing of streets, and therefore, the awards to those damaged by closing Amity lane, must be paid in accordance with the provisions of the first named act, together with lawful interest from the date of the application made to the Common Council for such payment.

In the foregoing conclusion your Committee and the Committee of the Board of Aldermen concur; and also that the street ought to be closed on the first day of May next; but your Committee are unable to concur with the other Board, that such parts of said lane to the centre thereof, as shall join each lot fronting on said lane, shall be appraised by Commissioners, and that the parts of said lane thus appraised, shall be transferred to the owners of the lots adjoining them, if the owners will purchase them at the appraised value; and if any of such owners shall refuse such purchase, then that part of the said lane fronting on, and adjoining their lot, shall be sold at public auction.

The objections in the view of your Committee, to the scheme proposed by the Board of Aldermen, are, that it is not equitable, or in accordance with the spirit of the statute.

It is not equitable, because it gives an advantage to the owners of the lots fronting on the lane, not allowed other citizens, although it may be at the public cost. They are to take such parts of the lane as they shall deem to their advantage, and may reject such as may be considered otherwise. The pieces of the most value, therefore, in proportion to the appraisement, will be readily selected, and the Corporation will be left in possession of others of little or no value, and thus the city will sustain a loss, contrary to the spirit and true intent of the statute.

Amity lane extends from Broadway to Sullivan street, passing Mercer, Greene, Wooster, Laurens, and Thompson streets. There is therefore, twenty-four corners; the proprietors of the land composing which, would very probably take that part of the lane adjoining their lots at the appraisement, but there are eighteen or twenty lots or pieces of land, fronting on said lane, and laying insulated between the said streets, which will be cut off from a passage to or from them, except over the land of other owners. The worth of such parts of the lane therefore, will be of little or no value to the owners of the lots adjoining it, and will no doubt be left on the hands of the Corporation, should the scheme recommended by the Board of Aldermen be adopted.

The assessment for damages, amounts in the aggregate, to $62,232, and was no doubt intended by the Commissioners, as a full remuneration for the loss that would be sustained by the owners of the land fronting on the lane; and as an equivalent for the sum thus assessed on the Corporation, the act of the Legislature conveys to them the ground comprising the lane, from the sale of which, they are to be remunerated

for the money paid the persons to whom the Commissioners have awarded it for damage done them.

By a map of Amity lane in the office of the Street Commissioner, the land thus conveyed to the Corporation, appears to comprise twenty-four lots of 25 feet 10 inches, front and rear, and 104 feet in depth; and in order to repay to the City Treasury the amount of the awards, with interest and expenses, these lots ought to bring, on an average, about $3,000 each; which fact confirms your Committee in the opinion, that the owners of the land fronting on said lane, have been fully remunerated by the Commissioners for the loss they will sustain by the closing of it; and therefore, have no reason to complain if the land shall be sold to those who will pay the most for it. By the sale of the land in full lots also, there seems to be much equity, as an opportunity will be afforded those owning the insulated pieces of ground, to purchase a passage way to one of the streets, from which they will be totally excluded if the scheme of the Board of Aldermen is adopted.

Your Committee presume however, that the Corporation have no wish to obtain any greater sum for the land comprising Amity lane, than what they shall expend in the effecting of the improvement by closing it, and therefore, should the proprietors of the lots fronting on it, devise any means among themselves for remunerating the Corporation, and which may be satisfactory to the parties concerned, there could be no objection in the opinion of your Committee, to conveying to them the land in such portions as they may agree upon; but it should not be expected by any, if the Corporation incur the risk of loss by the sale of the land to the highest bidder, and if, under the circumstances, there should happen to be a gain, that they are bound to relinquish it.

The Committee recommend a concurrence with the Board of Aldermen, in their resolutions directing the payment of

the awards to the petitioners, and the closing of the lane on first day of May next, and that so much of the report as relates to the sale of the ground composing the said lane, be referred to the Finance Committee of both Boards, as a Joint Committee, with power.

The following resolutions are accordingly proposed :

Resolved, That the Street Commissioner pay the amount due on the awards of the Commissioners of Estimate and Assessment, for damage in closing Amity lane, to the lots of Dudley Selden, Charles Dusenberry, and Patrick Smith, to the person or persons entitled to receive the same, upon producing to him the proofs and vouchers usually required in such cases, and that he also pay the interest thereon, to be calculated from the day on which the application was made to the Common Council for payment of said awards.

Resolved, That Amity lane shall be finally closed on the first day of May, 1834, and the awards for damage paid.

Resolved, (if the Board of Aldermen concur,) That the subject of disposing of the land comprising Amity lane, be referred to the Committees on Finance of the two Boards, with power.

Respectfully submitted,

STEPHEN ALLEN,
J. AUG. SMITH,
JOHN I. LABAGH.

DOCUMENT NO. XLVI.

BOARD OF ASSISTANTS.

FEBRUARY 24, 1834.

Report of the Joint Committee on Finance of the two Boards, on the Resolution on the subject of Ways and Means for paying for Market Ground.

JOHN W. RICHARDSON, Clerk.

Resolved, That so much of the report of the Market Committee, relative to the extension of the Essex, Grand street, and Centre Markets, and the taking of a piece of ground in the Eleventh Ward for a Market place, as have reference to the amount of money to be expended, be referred to the Committee on Finance of the two Boards, as a Joint Committee, with instructions to consider and report the ways and means for providing the amount necessary to effect the object of such extension.

Adopted by the Board of Assistants, 18*th February*, 1834.
" " " " *of Aldermen*, 17*th February*, 1834.
Approved by the Mayor, February 18*th*, 1834.

J. MORTON, Clerk.

The Joint Committee on Finance of the two Boards, to whom was referred the consideration of the subject of providing the ways and means to pay for the land to be taken, in extending several Markets of this city,

REPORT,

That it appears by a report from the Joint Committee on Markets, made to the Board of Aldermen on the 6th of January last, and which report was adopted by the Board of Assistants, on the 10th day of February, thereafter, that the estimated cost of the ground for extending the Grand street Market, was $32,000

For the Essex Market, . .	50,000
For the Centre Market, . .	60,000
And for the purchase of a piece of land in the Eleventh Ward, .	8,000
	$150,000

By the law making provision for the redemption of the City Stock, all market fees and market rents are appropriated for the extinguishment of the said stock.

The annual receipts from the markets, and applied to this purpose, have been very large, and it is believed there is no property held by the Corporation, netting so large an amount on its cost, as that derived from the rents and fees of the markets. The following are the receipts during the last year:

For Premium on Butchers' Stalls, -	$10,857 28
" Interest on Premium Stalls, - -	1,951 83
" Market fees, - - - -	19,484 17
" Market Rents, - - - -	30,218 65
	$62,511 93

There are thirteen markets in this city, from the rents and fees of which, the aforesaid income is derived. The cost of these several markets in the aggregate, according with a calculation entered into by your Committee, amounts to the sum of $640,000; consequently the receipts of the year was nearly ten per cent. on their cost.

By a late report of the Comptroller, there was standing to the credit of the Commissioners of the Sinking Fund on the first day of January, 1833, an accumulated balance uninvested, amounting to $317,090 34, and the receipts of the year 1833 was $107,565 13, making a sum total which the Commissioners were unable to invest in stocks, of $424,655 47. During the year 1833, a sum borrowed of the New York Bank for Savings, amounting to $300,000, was paid off by the Commissioners of the Sinking Fund, pursuant to a resolution passed by the Common Council for that purpose.

A portion of this debt of $300,000 was contracted for the purpose of paying the State of New York the purchase money for the old State Prison at Greenwich, and a portion of it for paying the awards to the owners of the land taken for Clinton Market. The avails of the lots sold, and the fees and rent of the market, are pledged for the payment of the money thus drawn from the fund and the same course of proceeding is recommended by your Committee in the present case.

There was standing to the credit of the Commissioners of the Sinking Fund on the first day of January, 1834, $124, 655 47. This money the Commissioners are unable to invest in accordance with the provisions of the ordinance on that subject, nor is there any probability that it can be invested until the final redemption of the City Debt, in 1850.

The income derived from these balances, is the allowance of five per cent. per annum, by the bank in which the Corporation deposites are made, while the markets, as has been

shown, are paying an interest on the sum invested of a much larger amount. Under these circumstances, your Committee conceive it to be improper that the City Debt should be increased by borrowing the sum necessary for the extension of these markets, while so much of the money derived from their income continues uninvested, except at so small an interest as five per cent. per annum.

The Committee therefore recommend that the balance thus accumulating in the Sinking Fund, be applied to the purchase of a piece of land in the Eleventh Ward, between North and Second streets, at their junction with Avenue D, and for the purchase of the necessary land for the extension of Grand street, Essex and Centre Markets, and they have accordingly directed their Chairman to report an ordinance for the aforesaid purpose.

Respectfully submitted,

STEPHEN ALLEN,
PETER SHARPE,
ABM. VAN NEST,
J. AUG. SMITH,
JOHN I. LABAGH,
J. HAMMOND.

A LAW

To amend "a Law making provision for the redemption of the City Stock."

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

Cash in Sinking Fund to be invested in ground, for extension of Markets.

I. The Commissioners of the Sinking Fund are hereby authorised to invest so much as may be necessary of the balance of said Fund standing to their credit, or which may hereafter stand to their credit on the books of the Comptroller, in the purchase of a piece of land in the Eleventh Ward, between North and Second streets, and in the purchase of the land for extending and improving the Grand street, Essex and Centre Markets; and the whole of the rents, fees, and income of the said Markets in their improved state, and the land thus purchased, is hereby appropriated and pledged for the payment of the principal and interest of the sum that shall be thus drawn from the said Fund.

Rents, &c., pledged to Sinking Fund, and also the land purchased.

DOCUMENT NO. XLVII.

BOARD OF ASSISTANTS.

FEBRUARY 24, 1834.

Report of the Street Committee on widening Hanover Square and Hanover street.

JOHN W. RICHARDSON, Clerk.

The Street Committee, to whom was referred the annexed papers, in relation to the widening of Hanover Square, between Pearl and Stone streets, and for widening Hanover street, on the easterly side, near Exchange street; and also, a report from the Street Committee of the Board of Aldermen, and which has been adopted by that Board, declaring that the widening of Hanover Square shall take place forthwith, but that the widening of Hanover street shall be postponed until the first day of May next, for the reasons therein set forth,—whereupon, your Committee beg leave to

REPORT,

That in regard to the subject first mentioned, viz. the widen-

ing of Hanover Square, they see no objection to a concurrence therein ; but, with respect to the other, viz. the widening of Hanover street, on the easterly side, near Exchange street, a different state of things has lately taken place ; by which, the objections existing to its being done immediately, at the time when the report of the Street Committee of the Board of Aldermen was made, have ceased to be of any force, inasmuch as the conflicting interests of the parties concerned, have been settled by mutual agreement, and all unite in an application to direct the widening of the street without any further delay,—the withdrawing of the objections previously made, by the parties making them, being hereunto appended.

The following resolutions are offered :

Resolved, That this Board concur with the Board of Aldermen, in the resolution passed by them on the fifth of February, instant, directing the widening and improving of Hanover Square, between Stone street and Pearl street, to take place forthwith, and that John Hanmer be appointed to collect the assessment made therefor.

Resolved, That the resolution passed by the Board of Aldermen, on the fifth of February, instant, which directs the widening of Hanover street, on the easterly side, near Exchange street, to be postponed until the first day of May next, *be so amended* as to direct the widening of said street to take place forthwith ; and that this Board concur in the residue of said resolution, which appoints Jeremiah Green to collect the assessment made for the said widening.

FRANCIS FICKETT,
GEORGE SUTTON,
DAVID HALSEY.

DOCUMENT NO. XLVIII.

BOARD OF ASSISTANTS.

MARCH 10, 1834.

The following Communication from Dr. Macdonald, on the subject of an Asylum for the Insane, was presented by Mr. Allen, and was laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

To the Asylum Committee of the Board of Assistants.

GENTLEMEN,

By your request I will proceed to make some remarks on the construction of asylums for the insane, and to offer such a plan as it appears to me the occasion requires. I could wish the task had fallen into abler hands, but as the member of a community diligent in its advancement of the public weal, I feel bound when called upon to contribute my mite however insignificant.

The progress of civilization, and the increase of disease, seem to have been followed in different countries, though

oftentimes slowly, by the establishment of public hospitals, and other means of relief. But till the latter part of the last century did philanthropy overlook the unfortunate lunatic. His treatment in former times is involved in mystery—he seems to have been shut up in prisons, to have been burnt as a demon, or allowed to run at large, an object of ridicule, pity or veneration, according to his condition, or the peculiarities of his countrymen. Before the above named period, however, it is true that in France the eloquence and zeal of Vincent de Paul had procured an amelioration ; in England, Bedlam was known ; while in Italy and other countries the insane were placed under the care of religious orders. At the close of the past and the beginning of the present century, an almost simultaneous wish for improving the condition of lunatics and of lunatic asylums manifested itself, and in particular those two great rival nations, England and France, seemed to have commenced a rivalry in this respect. But reforms of abuses however gross, are slow when those abuses have been sanctioned by time.

Great Britain, France, the Italian States, Germany, &c., now turned their attention towards producing proper receptacles for the insane, and succeeded according to the wealth, genius or wants of each particular people. In England, Scotland, and Ireland, means have been furnished to erect numerous new and commodious buildings ; in France, old buildings have been altered, and additions made ; in Italy, convents have been converted into a Lunatic Asylums, and the dormitories of monks have been most rationally changed into cells for lunatics ; while in Germany, in one instance at least, an ancient fortress has been made subservient to humanity, and is now one of the best establishments for the insane in this part of Europe.

In our own country, too young for the existence of gross abuses, much has also been done. Private individuals have

associated together, and by their active benevolence, assisted in some instances by the public, have established asylums that would do honor to any country. But much remains to be done. The insane poor throughout this vast Republic are almost entirely unprovided for.

It has been the subject of inquiry with some who have watched the course of our municipal affairs, and have seen money very profusely expended in providing for convicts and making various other improvements, why have not the *Insane* been cared for? Why have we not establishments worthy of our city? Surely the time has now come to redeem our character, and to establish an asylum that will do credit to our city, and serve as a model for others.

In this age of active benevolence, objects of philanthropy do not cease to multiply. There are some well patronized whose utility is even questionable; there are others, which, while they relieve want and misery, necessarily cherish vice. This cannot be said of the care bestowed upon the *insane.* Insanity is as great a public evil as it is a private misfortune, and it does not materially shorten life; if uncured, the insane become through a long life a public charge; if cured, (and this may generally ensue, for insanity of recent origin, is now proved to be a highly curable disease,) they are restored to usefulness, and their children and families perhaps saved from becoming paupers. Hence, setting aside other motives, a regard for public economy alone requires every facility for the cure of the insane, and this facility can only be guaranteed in a public establishment on a liberal scale.

All plans for asylums yet offered or carried into effect, either in this or other countries, are not without defects. Nor do we flatter ourselves that our plan will be faultless, but it will be our endeavor so to profit by all preceding inquiries as to avoid errors and adopt improvements; and above all to adapt our building to its inmates. As on the

one hand a splendid edifice is unbecoming a wise philanthropy, so on the other, such a structure would be totally unnecessary for a class of persons brought up in humble dwellings and used to homely fare. It will be better therefore, to sacrifice external display to proper internal arrangements and comforts. The former may serve to gratify the traveller, but the latter will minister to the happiness if it do not promote the recovery of the unfortunate lunatic.

It may be here remarked, that one of the grand principles in the management of the insane, is to treat them as nearly as possible like rational beings. How important then will it be to give them the conveniences of the private dwelling, without the gloomy appendages of the prison. Heretofore, *security* has been the leading principle in the construction of these buildings. What has been the consequence? It has subjected *all* the unfortunate inmates to severe if not cruel treatment; it has made the *keepers secure.* A patient locked in his cell or chained to the floor can neither escape, nor harm any one else, and his attendant is free to go where he pleases.

Persons unused to mingle with the insane, are apt to look upon them as terrible, and generalizing, as is too often done, on matters with which we are not familiar, to consider them all endowed with this characteristic. Hence the error that has been for ages propagated from one generation to another, that all persons deranged require the same treatment. With the same propriety might we treat inflammation and debility, a broken bone and dyspepsia in the same manner. Take a hundred insane patients; of this number perhaps *five* require at night strong rooms; rooms that they may not readily injure, should they become suddenly violent. Is it just for the sake of these *five* to subject the remaining *ninety-five* to the security of bars and bolts? Henceforward, let us hope that *security* will not depend upon stones and iron, but that it will

be based on the vigilance, kindness, and activity of officers; and that houses will be built, not for the safe keeping merely, but for the *recovery* of the *insane.*

It here becomes a subject of inquiry, is it better to erect several distinct buildings, or to have but *one* divided into many parts? This involves several considerations; such as the *classification of patients*, the comparative effects of these different modes of structure on the minds of patients—their comparative original cost—the comparative expense of their subsequent support—their comparative comfort and convenience.

1. CLASSIFICATION. The moral treatment of the insane, which in general terms is so comprehensive, and includes the various kinds of employment and recreation, the personal influence of physician, superintendent, nurse, &c.; in a word, every agent brought to bear directly on the mind of the patient begins with classification. Without it the whole management of an establishment for the insane becomes confused and irregular. When well established, it gives a tone and system to every thing else. Before adopting any plan for building, some classification or other should be fixed upon; and the internal arrangement made accordingly. Though until recently it has been scarcely thought of in the construction of asylums, yet classification is now justly considered by almost all persons of experience, of the first importance in the treatment of insanity. There may yet remain, perhaps, some individuals long wedded to antiquated notions, or blinded by favorite theories, who can see nothing but variety and amusement in the indiscriminate mingling of the insane. But the number of such thinkers is small and their arguments are feeble. The chief of these is that a maniacal will serve to divert a melancholy patient. This we approve of, and this we seek and effect by classification; while by the want of it there is perhaps a more heterogeneous mixture than any

other kind of society of equal numbers can present. The indiscriminate mingling of the mild and furious, clean and filthy, convalescent and idiotic, need only be witnessed to be deprecated. But by classification we do not wish to group the insane according to the nosological arrangement in *books*, nor according as they are curable or incurable, but according to their habits of cleanliness and sociability, their general behavior and capacity for enjoyment in each other's society.

The number of each class should be limited. In this as in many other matters, it will be well to imitate as nearly as possible the previous habits of life. Let each class be a separate family in number, and it will become a family in habits. In a large class of patients, as in a large family, there will be more confusion and less domestic comfort than in a small one. If called upon to fix the proper number, I should say the maximum ought not to exceed fifteen or twenty. Wherever the number of insane allowed to associate together, has been large, I have always found confusion and bad management. At Salpêtrière, the large, and in most respects admirably conducted establishment at Paris, for female lunatics, of whom there are no less than *fifteen hundred*, the incurable are necessarily allowed to herd together in large numbers. Deprived of reason and confined to a small space without occupation or any thing to divert the mind, it is not surprising that the worst passions are elicited, that the moral sense is entirely lost, and that human nature is here found in its most degraded and revolting state.

Each one of the classes should be distinct from the other, not only in its sleeping rooms, gallery and day-room, but in its airing ground and method of ingress and egress. Indeed, if possible, the arrangement should be such as to present the attendants of the different classes and sexes from associating together.

Before leaving the subject, I will point out such a classifica-

tion as I conceive to be necessary in an asylum for insane paupers.

1st. As to rank or station in life. The want of any degrees in this respect calls for no distinction, and very much simplifies the remaining mode of classification.

2d. As to sex. It requires no arguments to prove the importance of separating the different sexes. The arrangement should be such that there should not only be no communication between them, but that they should not see each other at a distance, except by direction of the superior officers. Under certain restrictions, however, a social intercourse between patients of the different sexes, if not morally depraved, may be occasionally salutary.

Each of the sexes then form a grand division, and each of these divisions should be subdivided into four classes, viz :

I. The noisy, destructive and violent.
II. The idiot, epileptic, &c.
III. The convalescent.
IV. The intermediate ; including those in the first stage of convalesence, such incurables as are harmless and not possessed of bad habits, &c.

By this arrangement there will be eight distinct classes, and supposing the whole number of patients in the establishment to be 120, there will be 15 in each class. Should the number increase to 160, and should they be equally divided, each class will then amount to 20. But here it will be well to determine the probable proportion in each class. This can only be done by going through an establishment already in operation, and grouping the patients according to the above mentioned division. Thus in the Bloomingdale Asylum, there are 122 patients, 74 males and 48 females. These when classed according to the principle here laid down, stand thus :

		MEN.	WOMEN.	TOTAL.
1.	Noisy, violent, &c.,	18	12	½ 30 15
2.	Idiotic, filthy, &c.,	13	8	½ 21 10½
3.	Convalescent,	13	11	½ 24 12
4.	Intermediate,	27	14	½ 41 20½
	Sick in the infirmary,	3	3	½ 6 3
		74	48	122

Here, it is observed, the male sex predominates ; but as the different sexes are nearly equal at Bellevue, we will divide the total of each of the above named classes, equally. This will give about a proper proportion for each class; or, if it do not, the idiotic may sometimes be associated with the violent without injury, and vice versa. Twelve is enough for a class of convalescents, and the class styled *intermediate*, may with propriety be the largest, because they require the least attention.

Here then are the two sexes to be separated, and four classes to be made of each sex. Besides, these classes are to be so complete as not to interfere with each other, either in the airing grounds or on their way there ; and the prospect from these grounds is to be as free as possible on all sides. Certainly these ends can be better answered with the buildings separate, and the yards extending over a large surface.

2d. As to the comparative effect which these different modes of structure will be likely to have on the minds of the insane.

It is necessary as far as is consistent with economy, and the nature of the institution, to avoid every thing that would remind the unfortunate inmate of a prison. This is the more necessary in the present instance since Blackwell's Island has become another name for Penitentiary ; hence the establishment for the insane should be as little like the Penitentiary as possible ; and it seems to the writer that nothing

would tend to produce a more striking dissimilarity, than separate buildings.

Besides, the smaller the structures, the nearer do they approximate in size the houses in which the insane have heretofore been accustomed to live.

3d. Their original cost compared. It is presumed *ceteris paribus*, that separate houses for a given number of patients will cost more than one large building for the same number, We do not however pretend to give any information on this matter that can be relied upon, but leave it to architects and builders.

4th. Their subsequent comparative expense. The cost for the support of the small buildings will probably be greater than that for the large one. Each building will perhaps require a distinct heating apparatus, and it is believed to be yet questionable which is the most economical for a large house; several small furnaces or a single large one. But this is pretty well decided, that the heat yielded by the former, is more equable and complete than that given out by the latter. Should the establishment be warmed by steam it is possible the same generator may serve all the distinct buildings. The increased expense, then, it is probable will arise chiefly from the necessity of employing an increased number of attendants; and this need not be a very serious objection, since these persons may be selected from some other class of paupers, and induced to serve by some trifling compensation, increased privileges, or a sense of duty. Notwithstanding all that may be done to economise, the Corporation must be prepared to expect that the care of insane paupers will cost much more in proportion, than the care of ordinary paupers.

5th. Their comparative comfort and convenience. From all that has been said, and after viewing the subject in all its bearings, we are inclined to believe that both the comfort and convenience of the insane will be increased, while the

convenience of the officers and attendants will be diminished by placing them in several detached buildings. The chief objection to separate buildings is the difficulty of inspecting them. To this it may be answered, that in the common affairs of life, things are usually well done in proportion to the difficulty of doing them, and in the present instance, if inspection be too simple it will be perhaps neglected. Besides, detached buildings need not be very far apart and may be connected by covered passages.

What shall be the height of the proposed building or buildings? On this subject great mistakes have been made both in this country and in England; particularly where they have been erected in the country, and on ground of trifling value. They are almost without exception three or four stories high. High buildings very much increase the difficulty of the service, and oblige the quiet to hear the noise of the violent. In houses of four stories it is frequently necessary for the attendant to descend to the first floor. This, if he does his duty, becomes a hardship, and the patients instead of recreating themselves in the open air, will, from the distance and other obstacles, be likely to remain pent up in the house. The French have gone to the other extreme; all their modern improvements being but one story, and if they are not right they are much nearer so than we are. Esquirol, perhaps the best authority on the treatment of insanity, says, "This arrangement by stories renders the service more difficult, painful, and dangerous. The attendants lose much time, and fatigue themselves in ascending and descending the stairs; the doors of the galleries and corridors being shut, the nurses are alone, far from all assistance, and it becomes necessary to use violence in self-defence if a patient happen to be seized with a violent paroxysm; while in a building of one story, the galleries may remain open, and the nurses being more convenient to each other, can afford mutual assistance with more ease at the same time that they do not

neglect their own patients. This facility prevents many accidents and much bad treatment. Is it necessary to take the patient to the Bathing-room? is it necessary to oblige him to go out into the airing grounds? force is not only had recourse to, but it becomes necessary to repeat it again and again; then what restraints, what irritation, what violence, what injuries, what ill-treatment on the part of nurses and attendants!" Buildings of a single story would however cover too large a surface, and render the general inspection by the superior officers unnecessarily difficult. Two stories then we consider more convenient, comfortable, and appropriate, than any other height, and as the proper medium to be adopted.

The Internal Division and Arrangements. The internal division into day-rooms, bed-rooms, work-rooms, infirmaries, &c., is another highly important subject for consideration. It is thought by some that there should be rooms but on one side of the galleries, because rooms on both sides render them dark and gloomy. This may be the case when the gallery is narrow and no light admitted into it except at the extremity. But for the purpose of admitting light as well as air, each room should have over the door an iron sash, cast as wooden sashes are commonly made, and without glass. To facilitate ventilation, this window opening upon the gallery and over the door, should be directly opposite the large window, admitting light, and air from without. In this manner are the galleries of the Bloomingdale Asylum arranged; and they have always been remarkable for their cheerfulness and the purity of their air. It sometimes becomes necessary to close these windows opening on the galleries. This can be done in an instant by means of a moveable wooden shutter, so as to exclude both light and sound: but so seldom are these required, that two or three would suffice for a whole gallery.

In general, each patient should have a distinct sleeping

room ; but there is a class of patients who may without inconvenience be placed together in a large dormitory. This is done in some of the British and in almost all of the continental asylums. It is considered perfectly safe, and accommodates a much larger number than *in* the same space in separate apartments. Each room for a single patient should contain about 70 or 80 square feet. Each attendant or nurse should also be provided with a room, which in a pauper establishment may be larger and better furnished than those for patients. Besides the ordinary rooms for the insane, it will be well to have two rooms (one for each sex,) so padded as to prevent frantic patients from injuring themselves by striking their heads and limbs against the floor and sides. It is often advisable to allow such patients full liberty. This can only be done in a room, the walls of which are padded, and the floor covered with beds. This covering of rooms has another advantage; it prevents sounds from being readily conducted to other parts of the house.

For those patients who wet themselves and require frequent drying, rooms may be expressly prepared with stone floors warmed by heated air introduced beneath.

The day-rooms, one of which should be appropriated to each class, ought to be large and airy ; though not perhaps in the same proportion for the number of patients they are to contain at intervals during the day, as the sleeping rooms, where many hours are spent in close confinement.

Work-rooms. Until recently, the insane were thought to be incapable of useful or regular employment. It may now be said that after classification, the most important of all considerations in their managements is occupation. The utility arising from employment is not only positive but twofold ; utility to the person employed, and utility to the establishment. The salutary influence on the patient is both moral and physical ; it gives health and vigor of body, while

it diverts the mind from brooding over its own sorrows, or dwelling upon its favorite delusion. In a pauper establishment like that in question, it is presumable that all, or nearly all the inmates will be persons who have been used to manual labor. How important then does it become to provide for manual labor, in such a way that the different tastes and trades may be suited. The day-rooms, or other large apartments included in the general plan, may serve for the women, but it will be necessary to construct distinct workshops for the men. It may be thought by some that this is one of those crude plans so often suggested by philanthropy, but its practicability has been demonstated by repeated experiments. In the strictly Pauper Asylums of England and Scotland, a large proportion of the patients have of late been employed; thus in the Middlesex County establishment, two-fifths are employed, the men as shoemakers, tailors, weavers, carpenters, bricklayers, bakers, brewers, gardeners, laborers, &c.; the women at knitting, sewing, straw-hat making, basket making, washing, cleaning house, feeding poultry, working the garden, &c. At Wakefield, nearly the same proportion, while at the Dundee Asylum, more than one-half are employed.

In the Public Asylums, both of Ireland and Germany, the insane have also been extensively employed, with advantage to themselves, and with the effect of materially lessening the general expense.

In France, employment is considered of no less importance, though it has not been very extensively introduced into the public establishments. In the course of his observations on this subject, the distinguished physician above-named, says, "In our asylums the word labor is always in the mouth of the medical attendant, this word strikes without ceasing the ears of the patients, who mutually encourage each other; it is the predominant idea. In persuading the insane to labor,

we afford them at once the most useful diversion and the means of ameliorating their condition. It is not rare to see the unfortunate, whom excess of misery has deranged and brought into our asylums, leave them with their reason entire, and a little sum of money to provide for their first wants, or to commence a little establshment." To provide the insane with employment, and to pay them however small a sum for the produce of their labor, is to lay hold of a principle deeply rooted in human nature, and to turn it to account, it is to carry out the principle already established; to treat the insane as nearly as possible as if in perfect possession of reason.

Infirmaries. Every establishment for the insane should have one or more rooms of suitable dimensions, for the particular accommodation of such as may have diseases superadded to insanity which require peculiar care. By concentrating the sick in this way they are more effectually nursed and watched than if in distinct parts of the house, and that too with less labor. Perhaps on an average, four patients out of a hundred will be proper subjects for the infirmary. Now as the number of patients on Blackwell's Island will not exceed 150, a certain number of the infirm and harmless may be classed with the sick; or the apartments for males and females may be so joined together that the same nurse will be able to superintend both.

Reception Room, or *Room of observation.* In every institution for the reception and treatment of the insane, a distinct apartment of this kind should be provided. This should be situated near the rooms of the principal officers, so as to be under their immediate and constant inspection. In this apartment the newly arrived patient should be placed, and his case minutely examined, before his final location is determined on. The character of an insane patient cannot be judged of at a glance; its development requires time and close observation. A proper knowledge of the case will pre-

vent the mild from being classed with the violent, the harmless with the malevolent, the sensitive with the grossly disgusting, and thereby save the patient from losing self-control, or from being hurried into wretchedness and despair.

CHAPEL. It has been doubted if religious exercises could be introduced with advantage into asylums for the insane. From numerous experiments made in England and Scotland, and I may add, more recently at our own Asylum at Bloomingdale, the question is now at rest. At least it is the opinion of the majority of persons connected with public establishments, that the precepts and consolations of religion may be made most useful in the moral management of the inmates. Chaplains are now attached to most of the large county asylums in England, which they visit at least once a week, when service is regularly performed.

In Catholic countries, chapels form an essential part of almost all asylums. Here, such patients as are in a proper condition, attend mass once a week; a priest being usually attached to the establishment, where he permanently resides. At the Asylum of Aversa, near Naples, besides performing mass once a week, and confessing patients individually, he pronounces a general benediction each day. At Wakefield in England, at York, Glasgow, Dundee, &c., large proportions of the insane are found well enough to join in the services of the chapel.

It is now a year since religious service was introduced into the Bloomingdale Asylum, and it may be said to have answered the most sanguine expectations of the governors; and it is not surprising that it has, when we consider that one of the grand principles in the management of the insane, is to treat them as nearly as possible like rational beings. This being acknowledged and the large proportion of people in this country being in the habit of attending religious worship, is it not reasonable to suppose that to deprive them of this pri-

vilege when removed from home and from the natural objects of their affection, will be to deprive them of one of the few consolations that should be left. Setting aside the more lasting and important influence of religious service, and viewing it simply as a moral agent in the treatment of insanity, as promoting order, as reviving long neglected habits, or as continuing those that have been well established, it may be considered as an important part of our regimen. Besides, how important is it in so large a household and among so many attendants and other persons employed to preserve decorum and regularity of habits; and to this it must be allowed that religious instruction contributes in no small degree. About one-half of the persons in the Bloomingdale Asylum usually attend service.

An Apothecary's Shop for the exclusive use of the Asylum, will not probably be required. A single establishment will perhaps answer for all the institutions on the island.

Baths. In all well regulated Asylums in Europe, particularly on the continent, bathing, in addition to its utility as means of ablution, is considered of the first importance as a remedial agent. In France, where it has been used most extensively and most judiciously, almost every patient under treatment, almost every curable patient is bathed in some manner or another; either by showering or by the Douche, or in tepid or hot water, or by combining the Douche with the warm bath. Where warm baths are prescribed, their temperature varies according to the nature of the case, and the patient is immersed in the water from a few minutes to three hours. These baths are sometimes repeated as often as three times a day. This is mentioned to show the estimation in which bathing is held by those who have employed it most extensively, and to point out the necessity for making extensive provisions for it. Besides, as the secretion of the skin of insane persons becomes more offensive than that of

other persons, it is indispensable as a means of cleanliness. In the general plan of the buildings a separate room for each sex should be set apart and furnished with shower baths, Douches and warm bathing tubs. It should be so arranged as to have a reservoir of water in a chamber above the bathing rooms, where it may be heated and conducted below at pleasure. These rooms may be so close together that the same reservoir may serve both.

In the construction of this sort of buildings, the utmost care should be taken to provide offices and places for every part of the service. Particular provision should be made for a laundry, drying rooms, pantries, store rooms, straw rooms, straw-drying rooms, for baking, &c., &c. The writer has known a splendid establishment built, and a vast deal of money expended, without the least regard to these minutiæ: the consequence was, that although many, expedients were resorted to, to remedy the defects, great inconvenience, not to say utter destitution of many things, was ever after suffered.

It may be thought superfluous and trifling to mention *straw* and *straw-drying rooms*, but there are many patients who require clean and dry straw every day. It becomes necessary, then, to have a convenient store room, and place for drying it in cold and damp weather. A drying chamber may be constructed so as to be heated by the air-flues, or by whatever apparatus may be employed for warming the house.

Provision for Heating and Ventilation. The notion that the insane are not affected nor injured by the variation of temperature is now exploded. The error arose probably from seeing one violent maniac, who generated an extraordinary degree of animal heat, bear and even seek the extremes of cold. Others suffer from cold who have not the intelligence to take cognizance of what causes them to suffer, but whose health is in the end completely, though gradually destroyed. Others again lose their extremities, and perhaps

their lives without uttering a complaint. The truth is, the insane are to be judged of in this matter as in all others, by the plain common sense rules that other persons are. Some are so constituted that the animal machine itself, under almost every circumstance, generates a sufficiency of heat, and this is sometimes exalted by disease; others are so endowed as to require a great supply of artificial heat, and this requisition is generally increased by disease.

In Hospitals for the Insane, it becomes necessary then to preserve an equable temperature; and some general plan to heat a whole building will be preferred on account of its being more economical and safe, and because it will insure a more even temperature throughout. For this purpose, three methods have been adopted, viz: by means of *heqted air* or the *Wakefield furnace*, by *steam* and by *hot water*.

One of the great advantages of heated air, at least in theory, is that at the same time it both warms and ventilates. But from its failure to heat or ventilate the house sufficiently, or both, from its being more expensive, or from the supposed injurious effects of highly rarefied air, steam has been substituted for the Wakefield furnaces, even at Wakefield. In England great attention has been recently directed to this subject. The various methods of stoves, open grates, air-furnaces, hot water and steam have been employed, and decided preference given to the latter. Among its advantages it is said to be perfectly manageable, economical and salutary for those who breathe the atmosphere heated by it. It has been introduced into some of the manufactories of this country, and doubtless much practical information may be gathered from the proprietors of these establishments. There are other advantages in warming by steam, it may be used for raising water, either cold or warm, to different parts of the house, for supplying baths, and for general culinary purposes. At the Wakefield

Asylum 8000 gallons of water are consumed daily for different purposes, and steam is found very convenient for distributing this water.

Experiments have been recently made in different establishments in England, to heat by warm water; the water being conveyed through iron pipes laid under the floor, and covered by iron plates pierced with numerous holes to allow the escape of heat. The writer visited two establishments in England, in portions of which this plan had been introduced, and used one winter without success.

Where either steam or hot water is used, it would seem necessary to make particular provision for ventilation.

WINDOWS, DOORS and FASTENINGS. Much has been done in the construction of asylums for the insane, to avoid every thing calculated to remind one of a prison. This is no more than humanity justly owes to this unfortunate class, and much remains yet to be done to divest the disease of many of the disagreeable things associated with it. There is nothing about a public building so calculated to give it the dark and gloomy aspect of a prison, or the light and cheerful air of a private dwelling as windows. In great Britain, where the Insane Hospitals are perhaps on a more liberal and appropriate scale than in any other part of the world, the windows are so constructed as to give them almost universally a sombre appearance. They are small and placed at the top of the rooms almost as high as the ceiling, perhaps eight or ten feet from the floor. The consequence is that the patients are deprived of the benefit of prospect and of a proper degree of light—they have nothing left to contemplate but the bare walls of the cell, or their own wretchedness.

The design of this kind of window is to prevent them from being excited by external objects, and to secure entire seclusion. The idea is a good one and should be adopted for the most violent and refractory patients; for perhaps *five* in a

hundred: but for the remaining *ninety-five,* the windows should be of the ordinary size,* and placed opposite the door so as to afford a free circulation of air, while sufficient space should be left on one side for the bed, without exposure to the current. Bars and all prison-like fastenings should be avoided, Cast iron frames as in the Bloomingdale Asylum will answer all the purposes of security, except for the small number above mentioned. Where it becomes necessary to prevent patients from looking out in particular directions upon certain courts and airing grounds, at the same time to afford additional security, I would suggest that iron cast into the form of Venitian window blinds, be fixed in the stone-work outside of the glass.

For patients who break glass, a few rooms should be expressly provided with windows admitting light from the top only, (say the semicircular or arched part,) while the main or square part is entirely hid by the wall within, and presents exteriorly an ordinary window, or ordinary windows may be secured by means of strong iron wire placed at the distance of a few inches from the glass.

The Doors should be made to resemble as nearly as possible, those of ordinary houses; with the exception however of a few for the most violent, which should be constructed in the strongest manner. Bolts and bars and all sorts of prison fastenings should be avoided. But above all things, those small openings in the doors, for the purpose of viewing the patient without the necessity of coming in contact with him, should not be allowed. To be looked at in this manner like a wild animal, is sufficient to excite the indignation of any one, and there is nothing more calculated to render the lunatic fierce and reckless or the attendant careless and cruel. If patients could be seen without their knowledge, it would perhaps be desirable, but these small doors in addition to

* In the Brick building, Bloomingdale, the windows contain 20 panes, 8 by 10½

other evils, are too great a temptation for exhibiting them to the curious.

Supply of Water. To afford an ample and never-failing supply of water for every part of the establishment; for baths, for cleansing, washing, culinary purposes, &c. &c., should be an object of the first consideration. Such a supply will lessen labor, secure cleanliness, be a safeguard against fire, and in its application to various useful purposes, add to the comfort and health of the patients. All the rain water that falls upon the roof should be saved in tanks in the garret; but this should not be the only dependence. A well sufficient to supply daily several thousand gallons of water should be sunk; the water to be raised as above mentioned by means of steam or by the labor of patients, as at Bicêtre, near Paris, where about thirty are in this manner employed.

Privies. It has been thought necessary in some establishments, to have water-closets within doors. This in England, where water closets are in general use, and where the winters are not very severe, is a great convenience. In this country, where water-closets are not used in private houses, they are not necessary. Besides, the coldness of our winters would render them useless for a certain season each year. A privy then should be provided for each class, and so placed in the airing-court belonging to the class as to be easily accessible without being offensive. If possible, the common drains on their way to the river should pass through the sinks so as to prevent large accumulations of filth.

Drains. The greatest inconvenience has been experienced in the Bloomingdale and other asylums from a want of proper drains. But on Blackwell's Island, where the buildings must be situated so near the water, there can be no excuse if the ground be sufficiently elevated, for a neglect in this particular. The drains should be so arranged that the waste water will carry into the river all kinds of filth.

Airing Courts. For the eight classes of patients, eight distinct courts will be required, and these should be so arranged, that each one shall be overlooked by the day-room of the class of patients to which it belongs. Disposed in this manner, the attendant can at the same time have charge of the patients in the day-room, and inspect those who may be exercising in the yard.

Those courts should be so easy of access, and at the same time so secure, that the patients may go there without danger, and without restraint. Each court should not contain less than square yards. Their walls should be so constructed, and their centres so elevated, as to give the patient on one or two sides at least, an extended prospect. For this purpose, it appears to me that the better plan will be to raise up the earth from the circumference of a given plot of ground towards the centre, so as to give a convenient elevation—then to build a wall in the manner of a haw-haw fence, the face of the wall fronting the court, and topped if necessary with a hedge. This wall will be no impediment to vision, and will form as perfect a barrier to escape as can be desired, at the same time that it will look very unlike any thing intended for confinement. This kind of fence may be built upon one or two sides of the court; to place them on all the sides would be manifestly improper because it would expose the different classes of patients to the sight of each other.

Nothing finer need be desired than the prospect that may be given on Blackwell's Island, to each of the airing-courts. The highly cultivated state of the opposite shores, and the ever-varying river scenery, will form endless sources of interest and amusement.

Herewith is a rough sketch of such a plan of buildings as have been mentioned in the preceding remarks. Before presenting it, I will assume the following data:

That the establishment will be for the accommodation of from 120 to 160.

That these will be all paupers ; and

That the primary objects in the construction will be utility and economy, without much regard to embellishment.

It is pretty generally admitted, that the best plan for a Pauper Lunatic Asylum on a large scale, yet adopted, is that for Middlesex County, England. It is a copy, with a few modifications, of that of Wakefield, which I had the honor to loan the Committee.

The plan here offered, if deficient in other respects, has the advantage of having been formed for the occasion, and of perhaps being better adapted to the number of patients. It is for the Committee to choose such as they may think most appropriate.

In order to keep the first and most important object in the construction of the establishment in view, it may be well here to repeat that the classification should be made first, and the general plan of buildings fixed upon afterwards.

It will be remembered that each sex was divided into four distinct classes, viz :

1st. The Violent, &c.,
2d. The Idiotic, &c.,
3d. The Convalescent,
4th. The Intermediate;

making altogether eight classes to be provided with separate galleries, day-rooms, courts, &c., without any communication between each other.

Respectfully submitted,

JAMES MACDONALD.

DOCUMENT NO. XLIX.

BOARD OF ASSISTANTS.

APRIL 7, 1834.

Report of the Committees on Finance, acting under a resolution, passed April 3, 1834.

JOHN W. RICHARDSON, Clerk.

The Committees on Finance, acting under a resolution passed on the 3d day of April 1834, in the following words:

Resolved, That the subject of disposing of the land comprising Amity lane be referred to the Committees on Finance, of the two Boards,

REPORT,

That at their request, the Street Commissioner prepared an estimate of the value of each piece of land comprising said lane, to the centre thereof, and adjoining the several lots or

pieces of land, bounded in front on the same, which estimate and valuation is hereunto annexed.

The amount of the several sums awarded for damage by the Commissioners of Estimate and Assessment, is $63,843, and the expense of the Commissioners, court charges, and interest to be paid by the Corporation, amounts to $1,157, making a total of $65,000, which corresponds with the aggregate valuation of the several pieces of land comprising the said lane, and to be paid by the proprietors of the several lots fronting thereon.

This arrangement will relieve the Public Treasury from all charge, and at the same time satisfy, by its equity and fairness, the wishes of the owners of the lots damaged by the closing of the said Amity lane.

Each individual owner of these lots has been consulted and requested to state whether he would take the land in front of his property at the aforesaid valuation, or not, and they have all replied in the affirmative; but, if upon further reflection, any one or more of them should refuse to comply with the arrangement referred to, there are others who stand ready to take the pieces of land thus rejected, at the valuation fixed upon them by the Street Commissioner.

It appears to your Committees proper therefore, that the Street Commissioner should be authorised to carry into effect the arrangement alluded to, with those who will receive the land opposite their lots to the centre of the lane at the appraised value, and if any object, which your Committees have no reason to believe will be the case, to permit others to take such rejected pieces; and also that the Counsel be authorised to prepare the necessary quit-claims to the purchasers, at their individual expense. The Committees accordingly propose the following resolutions:

Resolved, That the Street Commissioner be, and he is hereby authorised to carry into effect an arrangement with

the owners of land fronting on Amity Lane, by paying to the owners of such parts of said lane to the centre thereof, in front of their several lots, as consent to take such parts, at the appraisement hereunto annexed, the balance of the awards, after deducting the amount of such appraisement; and by receiving in such cases, where the appraisement exceeds the award, the balance to be paid by such owners.

Resolved, That in the event of any of the aforesaid owners omitting or objecting to take such parts of said lane adjoining their lots, the Street Commissioner, under the advisement of this Committee, may permit other persons who own lots fronting on said lane, to take such parts or pieces so omitted or objected to, at the appraisement.

Resolved, That the Counsel prepare the necessary deeds of quit-claim by the Corporation, for the several and respective pieces of land comprising Amity lane, in conformity with the principles of this report, and under the supervision of the Street Commissioner and Comptroller.

Respectfully submitted,

STEPHEN ALLEN,
PETER SHARPE,
JOHN I. LABAGH,
J. HAMMOND,
AB'M. VAN NEST.

A Statement of Awards for closing Amity Lane, from Broadway to Sullivan street, and also the number of square feet opposite to each lot, piece or parcel of land, with the value thereof, as estimated by the Street Commissioner, by order of the Committees of Finance.

MAP, NO	OWNERS.	AWARDS $	SQ. FEET.	VALUE. $ Cts.
1	John McComb,	900	2583	7500 00
2	Jacob Lorillard,	2750	1291.50	916 66
3	J. C. A. Seidell & Washington Insurance Co.	1250	1291,50	1833 34
4	Jacob Lorillard,	500	1291,50	1833 34
5	John Sniffen, and estate of William Philp,	2500	645,75	458 33
6	Joseph Adams, Trustee of Mary Ryan, and Ætna Insurance Company,	2850	497	352 76
			7) 497	329 82
7—8	Patrick Smith, Alex. L. Stewart,	6350	8) 497	320 68
9	Simon A. Reed, and Alex. L. Stewart,	3850	497	356 48
10	James H. Hart, Trustee of Ellen Clark, and James C. Roosevelt,	1450	1238,75	1598 59
11	Charles Dusenbury, and Thomas Otis,	2200	1937 25	2083 33
12	Abraham Baudouine, & Mary Ann Livingston,	1915	645,75	416 67
13	James Beer and Joanna Bethune,	1740	517	300 23
14	Nathaniel Clark and Sarah Payne,	2300	517	300 23
15	James McGiffert,	1020	257,50	149 54
16	Judah Hammond and David V. Smith,	1850	1291,50	1500 00
17—17½	George Wilson and Equitable Insurance Co.	1500	1847	1822 50
18—18½	John Ireland,	4193	3319	2427 50
19	Thomas Lawrence,	600	2079	1739 84
20	Edward Whitehouse and Traders Fire Insurance Company,	100	504	260 16
21	Oliver Hull and William McKie,	125	645,75	333 33
22	William W. Gallatain,	125	645,75	333 33
23	Nicholas Ludlum and Peter Goelet	125	645,75	666 67
24	William Day and Peter Goelet,	250	645,75	666 67
25	John Lyon and John Ireland,	150	645,75	666 67
26	John Ireland,	750	4502	3333 33
27	James Harriott and Catalina Oothout,	650	2583	2000 00
28	John Ookhout,	1200	2583	2000 00
29	Francis Cooper,	2400	5166	4000 00
30	Thomas Thorne, and Traders Insurance Co.	1800	1834	1613 46
31	Joshua Underhill and Traders Insurance Co.	300	180	92 91
32	Elnathan Thorne,	1600	569	293 63
33	Henry Leek and Henry Remsen,	1450	2583	2250 00
34	Abraham P. Maybie and Harman Hendricks,	5600	5166	4750 00
	Amount carried over,	56,343		50,450 00

MAP, NO.	OWNERS.	AWARDS	SQ FEET.	VALUE.
	Amount brought over,	56,943		50,450 00
35	Dudley Selden, Manhattan Company, Yates and McIntyre,	1,300	2583	2,500 00
36	Manhattan Company,	1,400	2583	2,700 00
37	Manhattan Company,	1,900	5166	10,250 00
		60,943		65,000 00

Amount of Awards to Owners,	$60,943 00	
Amount of Awards to Lessess,	2,900 00	
	63,843 00	
Total amount of Awards,	63,843 00	
Commissioners and Court charges,	934 12	
		$64,777 12
Supposed Interest,		222 88
		$65,000 00

DOCUMENT NO. L.

BOARD OF ASSISTANTS.

APRIL 7, 1834.

Report of the Committee on Assessments, on a memorial from the President, Directors and Company of the Butchers' and Drovers' Bank. Laid on the table and ordered to be printed, together with the Report of the Minority on the same subject.

JOHN W. RICHARDSON, Clerk.

The Committee on Assessments, to whom was referred a memorial from the President, Directors and Company of the Butchers' and Drovers' Bank, praying for a reduction of tax on the capital of said institution,

REPORT,

That on the 20th of April, 1833, an act was passed by the Legislature of this State, increasing the capital of said bank, $200,000, and providing that books should be opened

for subscription to said stock, within three months after the passage of said act. The subscription to this addition to the capital, therefore, in accordance with the aforesaid provision, must have been made on or before the 20th of July, 1833; and it is from the tax on this additional capital, that the bank requires to be released.

By the 18th chap. 1 R. S. 414, it is made the duty of the officers of incorporated companies to make and deliver to the assessors, on or before the first day of July in each year, a written statement specifying the capital stock actually paid in, and secured to be paid in; excepting therefrom, the sums paid for real estate, the amount of stock held by the State, and by any incorporated Literary or Charitable Institution.

The original capital of this bank was $300,000, and the Committee were informed by the President, that in June, 1833, the statement required by the statute was rendered to the assessors, and that the amount of capital liable to assessment as such, was $281,727.

The Committee have also had before them Mr. Enoch Dean, one of the Assessors of the Fourteenth Ward, in which the said bank is situated. Mr. Dean thinks it was on the 26th of May that the aforesaid statement by the bank was furnished the Assessors, and that the amount of capital was entered on the assessment roll in conformity with the said statement. That the Board of Assessors met early in September, at which time the bank was in possession of the additional capital of $200,000. That a question arose, as to the propriety of adding this capital to the original assessment, which was discussed by the board, and finally caried in the affirmative, only four voting in the negative.

By the 1st R. S. 393, it is provided, that if any person shall, before the Assessors have completed their assessment, make affidavit that the value of his real or personal estate does not exceed a certain sum to be specified in the affidavit,

it shall be the duty of the Assessors to value such real or personal estate at the sums so specified and no more. The benefit of this provision is, by the 8th section of the 1st R. S. 416, extended to incorporated companies.

By an act passed April 6th, 1825, (Sess. 48—123) it is provided that the Assessors, after completing their assessments, shall give notice thereof, that a copy is left with one of them at a place designated, where the same may be seen and examined for ten days, and that they will review their assessment on the application of any person conceiving himself aggrieved.

Mr. Dean stated to the Committee that the aforesaid notice was published according to law. That he informed the President of the bank that the Board of Assessors had increased their taxable property, and had included the new capital, but that no person had appeared before the Assessors during the ten days, to claim a reduction of the amount.

The Committee were also informed, that at the time the assessment rolls were laid before the Supervisors, the subject was again considered and discussed, and finally decided in favor of continuing the assessment, as determined by the Board of Assessors.

The foregoing are all the facts in this case, which have been brought to the knowledge of your Committee; and although there may be some doubt as to the legality of the tax on the additional stock, so far as it relates to the letter of the law, the Committee think that the spirit of the statute and the equity of the measure favors the conclusion arrived at by the Boards of Assessors and Supervisors.

It is the evident intention of the statute, that no portion of the property held or owned by persons or corporations, shall escape taxation; and it is equally certain, that the bank was in possession of this additional capital before the assess-

ment was finally closed and the books delivered to the collectors.

If this tax on the additional $200,000 shall be remitted, it must be re-assessed on the Fourteenth Ward, in 1835, to supply the deficiency; while at the same time, the bank will have been in the use of the money, to the sole profit of the stockholders. Now, although the assessment is to commence in May, and it is made the duty of incorporated companies to deliver in their statement by the first of July, the tax is not collectable until October thereafter, when the bank had been in possession of this additional capital for two or three months; and consequently would be in the receipt of the income for a full year before it could be again called on by the collector. It would seem, therefore, that the equity of the case requires that the tax should be paid.

By the 8th section of the ordinance of the Common Council, entitled "A Law to regulate Assessments," it is provided, that no relief, in cases of assessment for taxes, shall be granted, unless the party has been unable to state his or her objection before the assessors during the ten days of advertising, by absence from the city, sickness, or other unavoidble circumstance. This provision has been enforced by your Committee in every instance which has been brought before them, and inasmuch as the officers of the bank have not availed themselves of the privilege of appearing before the assessors and stating their objections, although they were informed that the assessment had been increased, it would be inconsistent in the Committee to accede to the request of the bank for relief, when in every similar case respecting individual applicants, they have refused it.

Your Committee are led to the conclusion therefore, that the assessment is in accordance with the spirit and intent of the law, the equity of the case, and the provisions of the or-

dinance, and they accordingly propose the following resolution :

Resolved, That it is inexpedient to grant the prayer of the petitioners.

Respectfully submitted,
STEPHEN ALLEN,
JOHN I. LABAGH,

To the Mayor, Aldermen, and Commonalty of the City of New York, in Common Council convened.

The petition of the President, Directors, and Company of the Butchers' and Drovers' Bank, in the City of New York,

RESPECTFULLY SHEWETH,

That your petitioners during the month of June last past, were called upon by the assessors of the Fourteenth Ward, (in the official discharge of their duties as such) to furnish to them a written statement of the amount of property liable to taxation, in said bank, according to the provisions of the law in such case. R. S. 1st vol.—part 1, ch. 13, title 4. sec. 2 and 3.

And they further show that such statement verified by the affidavit of their cashier, agreeably to the directions contained in the said statute, was duly rendered to the said assessors in compliance with their demand. And that by the statement so rendered under oath, the amount of personal property of the said bank was declared to be two hundred and eighty-one thousand, seven hundred and twenty-seven dollars.

And they further show, that on the Collector's books being opened, your petitioners have ascertained that they are taxed for two hundred thousand dollars more than the amount stated in the affidavit of their cashier, and the collector demands payment of taxes on that additional sum.

And they pray that they may be relieved from the said error in the assessment rolls, and from paying taxes on that amount.

By order of the Board of Directors,

BENJAMIN M. BROWN,

President.

New York, Jan. 13, 1834.

REPORT OF THE MINORITY.

MR. PRESIDENT,

I am under the necessity of differing in opinion with my worthy associates in the matter of the President, Directors, and Company of the Butchers' and Drovers' Bank.

I feel a reluctance in differing with men whom I so much respect and esteem for their long experience in public life.

And when I look to my inexperience in these matters, I notwithstanding, am bound by the obligations I am under to raise my voice in favor of what I deem just in the matter before us. Your petitioners state that during the month of June last past, they were called upon by the Assessors of the Fourteenth Ward, (in the official discharge of their duties as such) to furnish to them a written statement of the amount of property liable to taxation in said bank, according to the provisions of the law in such case, R. S. 1 vol. chapter 13, title 4th, sec. 2. The President, Cashier, Secretary, Treasurer, or other proper officer of every such Incorporated Company, shall, on or before the first day of July in each year, make and deliver to the assessors or one of them, of the town or ward in which such company is liable to be taxed, according to the provisions of the 6th section of the second title of this chapter, a written statement specifying,

1st. The real estate, if any, owned by such company. The towns or wards in which the same is situated, and the sums actually paid therefor.

2d. The Capital Stock actually paid in and secured to be paid in, excepting therefrom the sums paid for real estate, and the amount of such capital stock held by the State, and by any incorporated literary or charitable institution. The 3d section requires a like statement to be made to the Comptroller.

And your petitioners further show, that such statement verified by the affidavit of their cashier, agreeably to the directions contained in the said statute was duly rendered to the said assessors in compliance with their demand, and that by the statement so rendered under oath, the amount of personal property of the said bank was declared to be two hundred and eighty-one thousand, seven hundred and twenty-seven dollars: and your petitioners further state, that they find from the Collector's books, that they are taxed for two hundred thousand dollars more than the amount stated in the affidavit of their cashier. The last amount is what your petitioners pray to be relieved from.

It is here where I have to differ with the Committee. As to the two hundred thousand dollars capital your petitioners had not at the time they were called upon by the Assessors of the Fourteenth Ward. We have as a Committee, on almost all occasions paid strict attention to the law. The petitioners in my opinion did what the law requires them to do, in making their statement under the oath of their cashier, in the month of June last past. Individuals have a right to be their own assessors. I would ask if an individual had been qualified as to the amount of his personal tax, in the month of June last past, and in the month of July following he had come in possession of an additional sum of personal property, whether the assessors would or could be justifiable in increasing the amount of assessment of such an individual. I would certainly say not, there is no law that requires an individual to make oath to the assessors more than once in the same year.

For proof of the above assertion, I find in the before-mentioned chapter, in the 22d section, on the meeting of the assessors for the purpose of reviewing their assessments, (in these words,) "And when the person objecting thereto, shall not previously have made affidavit concerning the value of his property, pursuant to the 15th and 16th sections of this

title, the assessors shall, on the affidavit of such person, made as provided in those sections, reduce their assessment to the sum specified in such affidavits."

INCORPORATED COMPANIES, the statute requires more from, than individuals. A penalty of two hundred and fifty dollars is imposed upon them if they do not make their statements within thirty days after the first of July in each year. Now that your petitioners did comply with the law is evident, and yet they can have no relief, says the report of your Committee. And I am very certain, that had they not complied with the law, your Committee would not have recommended them any relief whatever.

Your Committee in their report admit that they have decided as they think according to the spirit of the law and not the letter. When I take a retrospective view of the past decisions made by the whole of your Committee, I can with safety say, that a number of cases have been decided where only the letter of the law was the deciding point, and not the spirit of the law. I can see no good reason why the same Committee should on some occasions decide according to the letter of the law, and on others the spirit of the law.

Now as your petitioners, in my humble opinion, have complied with the letter of the law, and I know not but the spirit too; the main objection raised by your Committee was that the petitioners had had the benefit of the two hundred thousand dollars, without paying tax for the same for part of the year 1833. Now there is no certainty of the position taken by your Committee, for the individuals who purchased the stock amounting to two hundred thousand dollars, may have been assessed on the same previous to the stock being filled up in the bank. I have it in evidence from one gentleman, who received some of the stock, that he in being qualified as to his personal tax, took into account the very money which he afterwards applied to the payment of said stock. And I

know no good reason why there are not others of the like nature.

Mr. Brown, the President of the Bank, and formerly a member of the Common Council, and I believe a member of the Committee on Assessments, appeared before your Committee, and insisted on the ground which your petitioners had taken, to be according to the provisions made by the statute in such cases. Mr. Brown certainly must understand the nature of your petitioners' case, and if he were not satisfied of the correctness of their claim, he would not apply to this Board for relief. The mere idea of his having some interest in the result of this matter, I do not, nor can I believe would have any weight with him as an honorable man. I would therefore beg leave to offer the following resolution for adoption :

Resolved, That the petitioners, the President, Directors, and Company of the Butchers' and Drovers' Bank, be relieved from the payment of tax on the last mentioned sum of two hundred thousand dollars, in their petition. And that the Collector of the Fourteenth Ward be instructed to collect tax on the first mentioned sum of two hundred and eighty-one thousand, seven hundred and twenty-seven dollars, and no more.

Very respectfully submitted,

C. C. JACOBUS.

New York, April 7th, 1834.

DOCUMENT NO. LI.

BOARD OF ASSISTANTS.

APRIL 7, 1834.

Report of the Committee on Streets, in relation to widening Fulton street, from Broadway to Ryder's street.

JOHN W. RICHARDSON, Clerk.

The Committee on Streets, to whom was referred the accompanying papers from the Board of Aldermen, in relation to the widening of Fulton street, from Broadway to Ryder's street, beg leave to

REPORT,

That this matter being of very great magnitude, as it regards the amount of pecuniary interest concerned therein, they have given to it their most careful attention, and have endeavored to arrive at a just and impartial conclusion thereon, and to this end have made personal examinations into its

present state and condition. The report of the Street Committee of the Board of Aldermen, which has been adopted by that Board, (unanimously,) and which is in favor of the measure, goes so fully into the merits of this matter, that your Committee deem it unnecessary to add thereto. By a reference to that report which is hereunto appended, it will be seen that a very decided majority of the owners of the houses and lots to be affected thereby are in favor of the widening; and they would further beg leave to state, they consider the proposed improvement as one more likely to be attended with beneficial results to the community than any other which has been presented for their consideration. Coinciding as they do most fully with the views expresssed in the report above referred to, they respectfully recommend a concurrence therein, and offer the following resolution:

Resolved, That this Board do concur with the Board of Aldermen, in the resolution passed by them, on the seventh of March inst., which directs that Fulton street be widened, on the south-westerly side thereof, from Broadway to Ryder's street, to the width of fifty-five feet, and according to the red lines drawn on the map of the property herewith presented, and also in the directions given to the Counsel of the Corporation to carry the same into effect.

All which is submitted by

FRANCIS FICKETT,
GEORGE SUTTON,
DAVID HALSEY.

Committee on Streets.

Expense of moving, and masons and carpenters, and damage done to the buildings that are to be cut off.			Estimate of the value of ground.		
Parcel 3, moved, No.	1	$23,300	Parcel	$ 34,050	
1 Lot moved,	2	1,300	1 Lot	2,700	
1 do. do.	3	1,250	Parcel	4,990	
Cut down,	4	9,100	do.	12,930	
Parcel cut down,	5	1,350	do.	12,960	
do. moved,	6	2,550	do.	5,150	
do. do.	7	875	1 Lot	2,500	
do. do.	8	775	1 do.	2,517	
do. do.	9	1,100	1 do.	2,500	
do. moved corner,	10	1,300	Parcel	3,380	
do. cut off,	11	2,800	1 Lot	4,200	
do. moved church,	12	1,600	Parcel	5,034	
1 do. moved,	13	1,425	1 Lot	2,450	
1 do. do.	14	825	do.	2,500	
Cut,	15	1,650	Parcel	6,420	
Corner,	16	200	do.	7,020	
Torn down,	17	2,200	do.	5,000	
Moved,	18	950	1 Lot	2,500	
do.	19	4,000	1 do.	2,500	
Cut,	20	400	1 do.	2,150	
do.	21	525	1 do.	2,500	
do.	22	500	1 do.	2,490	
do.	23	600	1 do.	2,450	
do.	24	2,950	Parcel	9,060	
do.	25	1,700	1 Lot	4,600	
do.	26	3,000	Parcel	7,040	
For Buildings,		$68,225		$151,561	Ground.
					$151,561
					68,225
					$219,786

Ggntlemen,

We the undersigned, have examined the buildings and lots on Fulton street, and do consider the above a fair valuation for damage to said lots and buildings, and it is our

humble opinion that the damages as above, can be raised by assessment, in Fulton and the cross streets.

SIMEON BROWN,
EDWARD FERRIS,
ABNER WHITE.

New York, April 4th, 1834.

The Street Committee, to whom was referred back the subject of widening Fulton street from Ryder's Alley to Broadway,

RESPECTFULLY REPORT,

That in obedience to the order of the Board, they have appointed three gentlemen, to wit: Simeon Brown, Edward Ferris and Abner White, as Commissioners to estimate the loss and damage of said improvement, and by their estimate, which is hereunto annexed, it appears the land to be taken for the street, amounts to - - - - $151,561

The value of the buildings amounts to - 68,225

Making the total sum of loss and damage, - $219,786

One-third of the value of the buildings, amounting to $22,721, will come out of the Public Treasury, provided it should appear that the property in the vicinity was not sufficiently benefited to bear the whole expense.

The Commissioners however are of the opinion that benefits may be found on the whole range of Fulton street, from river to river, and the intersecting streets sufficient to defray all expenses.

Your Committee entertaining the same views of the expediency of improving the said street as heretofore expressed, and not hearing of any opposition from any quarter since the subject was referred back to them, unanimously recommend a concurrence in the report and resolution passed by the Board of Aldermen.

FRANCIS FICKETT,
GEORGE SUTTON,
DAVID HALSEY,
Street Committee.

DOCUMENT NO. LII.

BOARD OF ASSISTANTS.

APRIL 7, 1834.

Communication from the Street Commissioner, in relation to Building a Sewer in New street.

JOHN W. RICHARDSON, Clerk.

The Street Commissioner begs leave to state to the Common Council, that in excavating for building the sewer in New street, from Exchange street to Beaver street, it will be necessary to take up the water pipes, laid in that street by the Manhattan Company, which occupy the centre of the street for the whole distance, being nearly six hundred feet.

Application in reference to this subject has been made to the Superintendent of the Manhattan Water Works, who states in reply, that it is expected the expense of taking up and relaying the water pipes, will be defrayed by the Corporation.

As the expense to be incurred will be considerable, and

more especially, as it is very desirable that some certain and definite rule may be adopted in this and similar cases, which without doubt will hereafter occur, the Street Commissioner has for the present delayed executing the contract for building the sewer in New street, and asks the Common Council for particular instructions as to the course to be pursued thereon.

Respectfully, &c.

GEORGE B. SMITH,

Street Commissioner.

Street Commissioner's Office,
April 7th, 1834.

OPINION OF COUNSEL.

I have examined the questions presented by the communication from the Street Commissioner respecting the sewer in New street, and am of opinion,

First, That the Corporation have an undoubted right to make the sewer there, and if necessary for that purpose, to remove the water pipes of the Manhattan Company.

Secondly, That the Corporation are bound to relay such water pipes, and to pay all the expense of so removing and relaying them, in like manner as they pay the other expense of making the sewer.

Thirdly, That such expense of removing and relaying the said pipes, must be included in the estimate of the whole cost of the sewer, and assessed as part of such cost upon the owners or occupants of the houses and lots intended to be benefited thereby.

The Manhattan Company derive their power to lay water pipes in the public streets from the 5th section of the act, entitled "an Act for supplying the city of New York with pure and wholesome water," passed 2d April, 1799, which declares "that it shall be lawful for the said Company, and any person or persons employed by them, or acting under their authority, to lay and conduct any number of pipes, conduits, or aqueducts, in any and every part of the said city." Their pipes in New street were lawfully laid in pursuance of this authority.

The Corporation of this city exercises its power of making common sewers, under the 175th section of the "act to reduce several laws relating particularly to the city of New York, into one act," passed April 9th, 1813. The same power however, (and conferred in the same terms,) was

given to the Corporation by the 4th section of "an act for regulating the buildings, streets, wharves and slips, in the city of New York," passed 16th April, 1787, which was twelve years before the Manhattan Company received its charter.

Independent of this priority, the right of the Corporation must, from the public character and functions of that body, be paramount to that of the Manhattan Company, so far as to authorise the Corporation to build a sewer wherever they may deem it necessary for the public welfare or convenience, and to disturb or remove the pipes of the Manhattan Company for that purpose. A paramount right, however, must be exercised with due regard to subservient rights. It is this principle which sanctions any kind of interference with private property for public purposes; and the Manhattan Company have, in my view, the same right to have their pipes relaid and restored to as good a condition as they were before, when disturbed for the purpose of building a sewer, as a private individual would have to require the Corporation to rebuild or repair the wall of his vault, if it should be broken down or injured by a similar operation.

The same illustration will apply to the question of assessment. If it became necessary in the course of making a sewer to take down part of a vault, the expense of so doing and of repairing the damage would be considered as part of the whole expense of the work. In like manner, the expense of removing and relaying the Manhattan pipes, must be deemed to be incident to the operation. It forms a portion of the whole cost of the public work, and the assessment directed by the act to defray such cost must therefore embrace it.

R. EMMET.

April 14th, 1834.

The Committee on Laws, to whom was referred a communication from the Street Commissioner, on the subject of the sewer ordered to be built in New street,

REPORT,

That the water pipes belonging to the Manhattan Company occupy a portion of the street for its whole distance, through which the said sewer is to be built, and unless they are removed, the object of the ordinance for the erection of said sewer, cannot be carried into effect. It further appears that application has been made by the Street Commissioner, to the Superintendent of the water works belonging to the Manhattan Company, to have the said pipes removed; but that he declines, unless the expense of removing and replacing them shall be borne by the Corporation. The Street Commissioner has accordingly postponed the building of the sewer in New street, until he shall receive the instructions of the Common Council as to the course he is to pursue in the business.

Two questions appear to present themselves for consideration:

1st. As to the authority of the Manhattan Company to occupy the streets of the city with their water pipes, and the rights of the Corporation to remove them, in cases like the present, at the expense of the company.

2d. If not at the expense of the company whether such expense can be assessed on the property benefited by the sewer.

First. The fifth section of the act incorporating the Manhattan Company, passed the second of April, 1799, contains the following provision:

It shall be lawful for the said company, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any land which they may deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to lay and conduct any number of pipes, conduits, or aqueducts, through or over any of the said lands, or any rivers or streams of water as they may see fit, to or towards the said city, *and in any and every part of the said city.*"

The foregoing provision is sufficiently broad, as it appears to your Committee, to authorise the use of the streets by the company in laying down their water pipes; but the act provides further, that reasonable compensation shall be made by the company for all damage, either by agreeing with the owners of the land used or occupied, as to the amount of damage, or by the arbitrament of three persons to be appointed by the Supreme Court for the purpose. This provision, in the opinion of your Committee, will cover any damage done the paved streets of this city, by the operation of laying the conduit pipes under them, and as no difficulty exists on this point with the company, within the knowledge of your Committee, they are brought to the conclusion that they are not bound to remove their conduit pipes, and to replace them, except at the expense of those requiring the operation.

Second. The sewer is to be built for the benefit and accommodation of the property in its vicinity. It cannot be considered a measure affecting the public generally, and therefore, every necessary expense connected with the object ought to be borne by the property benefited, and no part of it should be taken from the Public Treasury. The removal and replacing of these pipes is an expense necessarily connected with the building of the sewer, as it cannot be constructed without it; and it follows therefore, in the opin-

ion of your Committee, that it ought to be assessed on the property benefited by the operation.

These are the conclusions which your Committee had arrived at; but in order that they might have the advantage of legal advice on the matter, they addressed a letter to the Counsel of the Corporation, requesting him to examine the subject, and furnish them with his opinion on the questions at issue. That opinion has accordingly been furnished the Committee, and is hereunto annexed, to which they beg leave to refer the Board for a further elucidation of the question.

The following resolution is proposed:

Resolved, That the Street Commissioner proceed in the erection of the sewer in New street, under the ordinance pased for that purpose; and in contracting for the same, that he include the expense of removing and replacing the Manhattan water pipes, and in the assessment, the total cost of the project.

Respectfully submitted,

STEPHEN ALLEN.

JAMES FERRIS.

DOCUMENT NO. LIII.

BOARD OF ASSISTANTS.

APRIL 21, 1834.

Report of the Ferry Committee. Laid on the table and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

The Ferry Committee, to whom was referred the petition of Alpheus Sherman and Clarence D. Sackett, and their associates, praying for the establishment of a south ferry to Brooklyn,

REPORT,

That they have had the subject matter referred to them under consideration, and are fully convinced, from the crowded state of the present Fulton Ferry, and the streets and avenues leading to the same, that the wants of the community require further ferry accommodations. That the

inhabitants of the First Ward particularly, as well as the inhabitants on the Brooklyn side of the East river, have long been subjected to great inconvenience for want of such accommodation. Your Committee also deem it proper to suggest, that by the establishment of the contemplated ferry, a more intimate union will be effected between this city and Long Island, and greatly tend to promote that spirit of harmony which will be found reciprocally gratifying and advantageous, and will moreover, serve to show more fully the necessity of hereafter uniting under the same corporation and municipal regulations.

Your Committee further report, that the petitioners and their associates have made an arrangement with the Fulton Ferry Company, and entered into a written stipulation to pay them a specified annual sum of money during the continuance of their lease; in consideration of which, they have agreed to waive and relinquish their claims under their covenant in their lease, to prevent the establishment of the ferry now applied for; by means whereof, all difficulties which have heretofore existed on this subject, have been removed: and that the written stipulation herein before referred to, has been submitted to your Committee, the terms of which they consider unobjectionable.

The Committee therefore recommend the adoption of the following resolutions:—

Resolved, That a new south ferry be established at and from the Old Slip in the city of New York, to a point at or near Patcher's dock, at the foot of Atlantic street in the city of Brooklyn; that the one-half of said Old Slip, or such part thereof, and of the bulkhead as may be necessary, be appropriated for that purpose; and that the necessary floats be prepared by the said lessees: and the said ferry right leased to the petitioners for the term of fifteen years, at the annual rent of one thousand dollars a year, up to the first of May,

1839; after which date, for the remainder of the time said lease has to run, the Common Council shall fix the annual rent to be paid by the said lessees.

Resolved, That the Counsel of the Board prepare the necessary lease and covenants for the above purpose, requiring the lessees to place on said ferry, two good, safe and sufficient steam boats, to be approved by the Ferry Committee, on or before the first day of November next.

WM. C. WALES,
MORGAN L. SMITH.

To the Honorable the Common Council of the City of New York.

The petition of ALPHEUS SHERMAN *and* CLARENCE D. SACKETT, *of the city of New York, on behalf of themselves and their associates, respectfully showeth:*

That the intercourse between the cities of New York and Brooklyn has increased to such an extent, that the present ferry accommodations between the two places, are wholly inadequate to the wants of the public: and that any addition to the number of boats at the present established ferries, would not obviate the necessity of another communication on a different section of the East river. The crowded state of the streets and avenues on both sides, as well as the increasing shipping of the river near the present points of communication, seem also to require that a new route should be opened south of the existing landings.

Your petitioners further respectfully show, that in order to obviate the legal difficulties which have heretofore impeded the action of your Honorable Body, on the subject of a south ferry, growing out of the covenants contained in the lease to Mess'rs Fulton and Cutting, the terms of an arrangement have been settled with the present proprietors of the Fulton Ferry, by which their consent to the application of your petitioners has been given, and which arrangement, it is believed, will be consummated forthwith. The nature and particulars of which will be submitted to your Honorable Body, as soon as the same shall be reduced to form.

Your petitioners therefore pray, that a lease may be granted to them, for the establishment of a ferry from Old

Slip or its vicinity, in the city of New York, to a point at or near the foot of Atlantic street, and south of the termination of Jeroleman street in Brooklyn.

And your petitioners will ever pray.

ALPHEUS SHERMAN,
CLARENCE D. SACKETT.

New York, March 3, 1834.

DOCUMENT NO. LIV.

BOARD OF ASSISTANTS.

APRIL 21, 1834.

Report of the Finance Committee, relative to Water Grants.

JOHN W. RICHARDSON, Clerk.

SIR,

In compliance with your request, we now furnish you with some suggestions which seem to us worthy of consideration in making further grants of the soil between the high and low water marks, on the Brooklyn shore.

It is perhaps proper here to remark, that in alienating that description of property heretofore, no fixed rule appears to have been adopted, either as to the quantity of the land granted, or as to the rents reserved for the same; inasmuch as the rents have been estimated by the running feet, and their number ascertained or determined, in some cases, by right lines, according to the proposed streets; in other cases by the average of the two water lines; and in others by the

length of a single water line. The absence of any determinate mode of action on this subject, is doubtless to be accounted for by the too light estimation of the intrinsic value of such property—(the highest rent as yet reserved being but twenty-five cents per running foot,)—an error which our predecessors did not discover in relation to THIS side of the river, until the property was nearly all disposed of, in front of the business part of the city.

Although much of the Brooklyn shore has already been disposed of, still a very large amount remains unalienated by the Corporation, embracing nearly the whole extent from about Jeroleman street to Red Hook, and also a considerable space at the Wallabout; and by reason of the very slight declivity of the shore, the extent of the surface is very great, and may be reclaimed from the water at a trifling expense; an advantage which, we think should not be lost sight of in determining the consideration to be paid for any future grant.

Forming a part of the harbor of New York, the increasing business of which, will require almost constant additions to the accommodations for vessels resorting hither, it seems but reasonable to suppose that at no very distant period, the water privileges on that side of the river will be nearly, if not quite equal in value to the same privileges on this side; and, consequently, that the space which intervenes between the upland and the low water mark, through which these water advantages are to be acquired, should bring a price more in correspondence with the generally increased and increasing value of the neighboring property than heretofore; and, as those grants are in effect, the conveyance of the fee of so much land, it is suggested that the rents should hereafter be estimated by the number of superficial feet contained in the whole area to be granted.

With regard to the side lines from high to low water mark, some difficulty may possibly arise as to their direction,

caused by the indentations of the shore. In order to obviate any such, with an equitable regard to the rights of the parties respectively, it is proposed that both lines shall be estimated, that the length of the line at low water mark shall bear an exact proportion to the length of the line at high water mark: as, for example, if five parties own upland to the extent of six hundred feet along the high water line, and the length of the low water line is but three hundred feet, the side lines will commence at the point of division of their lands respectively, and continue directly to the point of division at low water mark, which shall be as three hundred feet is to six hundred feet.

It is further suggested, the minimum of rent should be estimated on the value of the land at the time of issuing the grant, and be increased every ten years, until the maximum shall be reached, so that it may bear some proportion to the increase of the value of the upland adjoining.

Yours, &c. respectfully,

T. J. WATERS, *Comptroller.*
GEO. B. SMITH, *Street Com.*

To Stephen Allen, Esq.,
Chairman of Committee of Finance of Board of Assistants.

New York, April 18*th*, 1834.

The Finance Committee beg leave to present the following report and state of facts :—

That on the thirteenth of January last, they reported in favor of issuing a water grant to Jeremiah H. Taylor, for land in front of his property at Brooklyn, at a rent of twenty-five cents per foot, until 1860, and at fifty cents per foot for ever thereafter, which was adopted by this Board.

This report was referred by the Board of Aldermen to their Committee on Finance, who, on the seventeenth of March last, reported a disagreement with the Board of Assistants, and recommended a rent of twenty-five cents per foot until 1860, and forever thereafter the same rent as that fixed for this city, which is two dollars per foot. This recommendation was adopted by the Board of Aldermen.

The objection to the foregoing recommendation is, that it will be placing the Brooklyn grants, after 1860, at a higher rate than that paid in New York ; inasmuch as the grants in this city are calculated on straight lines, while those at Brooklyn always have been, as they naturally must be, calculated on the irregular lines of the beach at high water mark, and at the place where the land is left dry at low water, taking the average of the two lines as the principle upon which to estimate the rent to be paid.

Your Committee have reconsidered this whole subject, and have arrived at the conclusion, that a permanent tariff ought to be fixed for all future grants at Brocklyn ; and in furtherance of this object, they have requested the opinion of the Comptroller and Street Commissioner, and have also conferred with the Committee of the other Board on the subject.

The land hereafter to be granted, consists principally of flats, upon which the water, when the tide is at its full, is very

shoal, and will require but small expense, comparatively, to reclaim it from the river. It is also of considerable extent from high to low water mark, averaging from one hundred to five hundred feet in depth. It would seem proper therefore, that a different principle should be adopted in calculating its value, than that heretofore in use, as in the former grants, the depth of the land from high to low water mark, owing to the boldness of the shore, averaged from forty to fifty feet only; while in those yet to be granted, as already stated, are from two hundred to five hundred feet in depth.

In the former case therefore, the owner of a piece of upland one hundred feet in width on the river, will obtain a grant of land between high and low water marks of one hundred feet wide, and about forty in depth, which at the old rent of twelve and a half cents per foot, will amount annually to twelve dollars and fifty cents per annum; while in the latter case, the owner of land of the same width on the river, will obtain a grant between high and low water marks, of one hundred feet wide and three or four hundred feet in depth at the proposed rent of twenty-five cents per foot, or twenty-five dollars per annum, for land eight or ten times greater in extent, and requiring much less expense to reclaim it than the former.

This is evidently unequal and calls for a remedy. The Committee propose therefore, that hereafter, the calculation for water grants at Brooklyn, be made on the number of superficial feet of the land granted, such rent to be at the rate of two dollars for every two thousand five hundred feet, until the year 1850; after that, four dollars for every two thousand five hundred feet, until the year 1860, when the value of the grant will be at its maximum, then to be fixed by the appraisement of indifferent persons, mutually appointed by the parties, at an annual rent to be paid by the grantee forever thereafter; and they herewith report an or-

dinance to that effect, and recommend its passage. The Committee also place before the Board, the opinion of the Comptroller and Street Commsisioner, according in opinion with your Committee, to which they beg leave to refer for a more detailed statement of the subject.

All which is respectfully submited,

STEPHEN ALLEN,
JOHN I. LABAGH.

A LAW

To regulate issuing of grants for ground and soil between the high and low water marks on the Nassau or Long Island shore.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:—

§1. That the rents to be reserved in all grants hereafter to be issued for the ground and soil between the high water mark and the low water mark, on Nassau (or Long) Island shore, shall be estimated on the number of superficial feet contained in the whole area to be granted, and shall be after the following rates:—For every twenty-five hundred feet, there shall be reserved and paid the sum of two dollars, until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty: from that time until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty, the sum of four dollars for every twenty-five hundred feet; and forever after the first day of May, one thousand eight hundred and sixty, there shall be paid such rent as shall then be determined by two sworn appraisers mutually chosen, who, in case of disagreement, shall choose a third person, and a majority of the appraisers so chosen as aforesaid, shall determine the rent which shall be thereafter paid.

§2. That in all cases of grants hereafter to be made of the ground and soil between high water mark and low water mark on the Nassau or Long Island shore, where by the indentations of the shore, the low water mark is less than the high water mark in front of the property of more than one owner, both lines shall be estimated, and the side lines shall commence at the point of division between the owners respectively, and continue directly to a point of division on the low water line, which shall bear an exact proportion to the extent of the high water line.

DOCUMENT NO. LV.

BOARD OF ASSISTANTS.

MAY 5, 1834.

Resolutions of Mr. Fickett, relative to the Ferry between New York and Brooklyn.

JOHN W. RICHARDSON, Clerk.

Whereas, to defray the various expenses of government to which this city, as a place of great commerce, is necessarily subject, there is annually required to be raised by tax, a very large sum beyond the revenues derived from the public property. And whereas, the personal property of all who permanently transact their business within this city, participates in the benefits and advantages procured by such expenditures, and in common justice therefore, should share the burden: And whereas, it has been represented to this Corporation, that further facilities of communication are required for the accommodation of the residents of Brooklyn: And whereas, this Corporation does not feel disposed to exercise its rights,

powers and privileges with an illiberal spirit towards its neighbors; but, on the contrary, desirous of promoting a friendly feeling (both individually and collectively) between the inhabitants of the two cities, is willing to yield more than a due share of advantages to produce such result, therefore be it

Resolved, That the Corporation of the City of New York will unite with the Corporation of the City of Brooklyn, in an application to the Legislature of this State, so to amend the law relative to the taxation of personal estate, as that the owners thereof in those two cities may be assessed and taxed at their places of business respectively.

Resolved, That when the Corporation of the City of Brooklyn shall have concurred with the foregoing resolution, and duly signified the same to this Corporation, the Corporation of New York will take immediate measures to prepare additional ferry accommodations at the Fulton street ferry, and will lease the same to the Fulton street Ferry Company, until the expiration of their present lease, on the following terms, to wit:—For the addition on this side, one thousand dollars per annum, being the rent now received therefor: and for the addition on the other side, ten per cent. per annum on whatever sum it may be found necessary to lay out for the purpose.

Resolved, That the Corporation of New York will also establish a ferry south of Fulton street, from such places on either side as may be agreed upon, and will lease the same to such person or persons as may have procured the assent of the Fulton street Company thereto, until the expiration of the said Ferry Company's lease, on the following terms, viz:—On this side at whatever rent the premises to be occupied may at the time produce: and on the other side, ten per cent. per annum on whatever sum the Corporation may expend: and in both cases, ten per cent. per annum on the amount that may be expended for fixtures.

Resolved, That at the expiration of the leases aforesaid, the Corporation of New York will again lease the said ferries to such person or persons, in such manner and on such conditions in all respects, as to them shall seem most conducive to the public interest, without any claim or pretence of claim for preference in any manner whatsoever, by the present lessees, or who may be the lessees at the time aforesaid.

Resolved, That the Clerk of the Common Council furnish the Corporation of the city of Brooklyn with a copy of the foregoing preamble and resolutions ; and also cause the same to be published in the newspapers employed by this Corporation.

Offered by

FRANCIS FICKETT.

May 5th, 1834.

DOCUMENT NO. LVI.

BOARD OF ASSISTANTS.

MAY 5, 1834.

Report of the Committee on Finance, on the petition of Stephen McCormick.

JOHN W. RICHARDSON, Clerk.

The Committee on Finance to whom was referred the petition of Stephen McCormick, accompanied by a bill showing a balance due him by the Corporation, amounting to four hundred and seven dollars and twenty-two cents,

REPORT,

That the petitioner is one of the marshals of this city, and was employed by Daniel B. Tallmadge, Esq., late Corporation Attorney, to serve process against those incurring penalties for violating the Corporation ordinances.

The total amount of charges by the petitioner is			$1,298 87
And he credits for monies collected			
on execution, - - -	$646 65		
And for cash received from the attorney,	245 00		
			891 65
Leaving a balance, as above stated, of			$407 22

These expenses grow out of court charges, paid by the bailiff on the adjournment from time to time, of the causes by the defendant, and advantage is frequently taken by the defendant of this privilege, to procrastinate, who, when judgment is obtained against him, possesses no property upon which execution can levy. In such cases, the officer has no alternative but to imprison the body, when, in a few days thereafter, petitions are presented to the Common Council, praying to be released from confinement, which in most of the cases it is believed, are granted.

In addition to the court expenses, the officer is entitled to his poundage, as designated by statute, and in every case of committal he is bound to pay the fees of the jailor. A large portion of the items charged in the annexed account, as the Committee are informed, are against persons imprisoned for a violation of the Corporation ordinances, and from whom nothing has been recovered. They either stay in jail until the time limited by law expires, or they are released by resolution of the Common Council.

Your Committee have no reason to doubt the correctness of these charges. The petitioner attests to their correctness under oath. John W. Merrit, Esq., declared to the Committee that he had examined the charges separately, and found them correct: and in answer to a notice sent to Daniel B. Tallmadge Esq., requesting his attendance before the Committee, (which is hereunto annexed) he writes as follows:—"I am engaged in a reference, and cannot therefore attend as above requested. If the object be to inquire

about Mr. McCormick's bill, I can say it is correct, and I am not in funds of the Corporation to pay it."

This is the first instance, within the knowledge of your Committee, of a bill, such as that under consideration, being presented to the Common Council for payment. In all former cases, similar charges have been disbursed by the Attorney; and it is proper in the opinion of your Committee, that they should be so disbursed, he being the person who employs the officer to perform the service, and the only proper judge of the correctness of his charges. The Committee are of opinion therefore, that the Attorney of the Corporation should pay all demands for costs and charges of prosecuting offenders against the Corporation ordinances, and that he should lay before the Comptroller, in addition to the report directed by the third section of the law relative to suits, fines, and penalties, a detailed account of the transactions of each month. In order to effect the object in view by the Committee, they have prepared an ordinance amending the law "relative to suits, fines, and penalties," which is hereunto annexed, and they recommend its passage.

The Committee also propose the following resolution:

Resolved, That the Comptroller draw his Warrant in favor of Stephen McCormick, for four hundred and seven dollars and twenty-two cents, in full for the balance due him, as per his account annexed,

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

A LAW

To amend "A Law relative to Suits, Fines and Penalties."

Passed March 12, 1834.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

§1. It shall be the duty of every marshal, constable, or officer employed by the Attorney of the Corporation, to serve process issued in any suit, brought by said Attorney, in the name of the Mayor, Aldermen and Commonalty of the City of New York, to pay to the said Attorney, the whole amount of money received by such officer, both for the penalty and costs of suit pursuant to any judgment against the defendant.

§2. The Attorney of the Corporation shall, at least once in every month, settle with and pay to the officers thus employed by him, their legal costs and charges, and shall report to the Comptroller in writing once in each month, a statement of the suits instituted by him, and which have been prosecuted to judgment; the name of the defendant; the items of cost charged in each suit; the results of suits, whether in favor of plaintiff or defendant, and if in favor of plaintiff, the effect of execution.

§3. If the penalties or sums collected and received by the said attorney, after deducting his fees and charges, shall in any case be insufficient to pay the legal fees and charges of the said officers, the Comptroller may, and he is hereby authorised to draw his Warrant in favor of the said Attorney for the balance then due; but, in every such case, he shall report the fact, together with the documents in his possession, to the Common Council.

DOCUMENT NO. LVII.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Resolution of Mr. Allen relative to the Ferries. Adopted and ordered to be printed.

JOHN W. RICHARDSON, Clerk.

Resolved, That the Clerk of this Board be, and he is hereby instructed, to lay before the Board of Assistants elect, as soon as may be after their organization, a copy of the petition of Alpheus Sherman and Clarence D. Sacket, with the Report of the Ferry Committee thereon; together with the remonstrance of the citizens of the First Ward: and also, a copy of the preamble and resolutions proposed by Mr. Fickett, on the 5th instant, with the following resolution:

"*Resolved*, That it is worthy the serious consideration of the Common Council, whether in establishing any additional ferries, or on the expiration of any of the leases of any of

the ferries now in operation from this city, it will not contribute to the increased accommodation of the public and the advantage of the city finances, to run the said ferries, or some of them, at the expense and for the benefit of the Corporation."

DOCUMENT NO. LVIII.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Report of the Finance Committee relative to an additional set of Standard Weights and Measures.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a resolution in the following words,

Resolved, (If the Board of Aldermen concur,) That the Street Commissioner be directed to provide an additional set of standard weights and measures, and that the sum of $200 be appropriated to carry the above resolution into effect forthwith,

REPORT,

That by an act of the Legislature, passed the 27th of March, 1821, it is made the duty of the city government to provide

a complete set of weights and measures, regulated by the State standard, for the use of the City Sealers of Weights and Measures. In accordance with this provision, two sets of Standard Weights and Measures have been provided at the expense of the city, one of them several years since; the cost of which is unknown to your Committee, and one set recently, which cost $248 97. It would appear, therefore, that the provision of the act has thus been complied with; and if the additional standard mentioned in the resolution referred to your Committee, was intended for the use of the city sealers, the supplying it would be useless, as they are already accommodated; but if it was intended for the use of the Inspectors of Weights and Measures, there is no law authorising or directing such standard to be provided. The Revised Statutes however, provide, that the county sealers, except in New York, shall regulate copies of the standard received from the Secretary of State, for the use of the county, to be used by the town sealers; and the same course in effect, has been heretofore adopted by the Inspector of Weights and Measures in this city, who has obtained a copy from the city sealer, to be used in the inspection directed by the ordinance on that subject.

It is not the province of the inspectors to regulate or alter any of the weights, scale beams or measures they may respectively inspect: they are, in the language of the ordinance, "to inspect them at the stores and places where the same may be used; and if found not conformable to the standard they shall be sent by the owner thereof, at his expense, to the office of the city sealer, for the purpose of being adjusted and sealed." It is only necessary, therefore, that the inspectors should procure an ordinary set of weights and measures, of common materials, adjusted and sealed by the city sealer, for the purposes contemplated by their appointment, and not that they should be put into the possession of a standard set

composed of copper and brass, and at an expense of near $250 for each of them.

The inspector appointed under the act of 1821, has acted upon this principle, and furnished himself with a set of weights, measures and beam, properly adjusted and sealed by the city sealer; and your Committee see no reason why the inspectors appointed under the law of 1834, should not do the same; and therefore offer the following resolution:

Resolved, That it is inexpedient to pass the resolution referred to by this report.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

DOCUMENT NO. LIX.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Report of the Finance Committee on a communication from the Comptroller.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a report from the Comptroller, on a resolution of this Board, calling for his opinion on the evils and injustice which result from the present mode of assessing and collecting the tax on personal property in this city, and the remedy for such evil,

REPORT,

That the Comptroller proposes as a remedy—

1st. That all real estate, from which a revenue is derived, shall be assessed in accordance with the amount of income.

2d. That such estates as are occupied by the owners thereof, or which remain vacant and unproductive, to be assessed as heretofore.

3d. That every inhabitant shall make an accurate return of his personal property to the assessors, by a day fixed, under a penalty, and that a register shall be kept of such returns, open to inspection.

4th. That such persons as permanently transact business in this city, but who reside out of it, to be assessed at their place of business. And

5th. That the whole of the taxes shall be collected at an office to be established for the purpose, under the supervision of one collector, with assistants.

These suggestions are important, and some of them may prove salutary, and therefore deserve serious consideration; but they could not be carried into effect without legislative aid, and the subjects then before the Legislature, which emanated from the Common Council, with others in a course of preparation, and so large a portion of the session having been consumed when the reference was made to your Committee, are the reasons they have to offer for omitting to press the matter on the attention of the Board during the present year. They therefore propose the following resolution:

Resolved, That the Committee be discharged from the further consideration of the subject.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

DOCUMENT NO. LX.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Report of the Finance Committee on the petition of Charles McDermot.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the application of Charles McDermot, one of the city marshals, for the usual pay as a peace officer at the Fourteenth Ward Poll, during the late Charter Election,

REPORT,

That by the provisions of the ordinance on this subject, only three peace officers can be employed at the Polls for election of each Ward, except by direction of the Mayor; but it appears that in this, and in other cases, as the Committee are informed, the inspectors have employed additional officers,

without applying to the Mayor for the necessary authority. The unusual excitement during the late election and canvass is plead as an excuse for this omission of the inspectors; and the Committee are inclined to the opinion, that under the peculiar circumstances of the case, it may be considered as a sufficient reason why the application was not made to the proper authority, and why the demands of the officers should, in these instances, be complied with, when properly vouched, as the one under consideration is. The Committee propose the following resolution:

Resolved, That the Comptroller draw his Warrant in favor of Charles McDermot, for five days' attendance at the Fourteenth Ward Poll, as a peace officer, during the late election and canvass.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

To the Honorable the Common Council of the City of New York.

The subscriber, a City Marshal, having been requested by the Inspectors of Election, to attend the Polls, to keep the peace during the late election, and having performed that duty, (as will appear by the certificate hereto annexed,) but in consequence of not obtaining the *Mayor's order* on the said requisition, which the ordinances require, his name was erased from the pay roll. He therefore respectfully requests that your Honorable Body will pass a resolution, authorising the Comptroller to audit the account.

And as in duty bound, &c.,

CHARLES McDERMOT.

May 5, 1834.

We, the Inspectors of Election in the Fourteenth Ward of the City of New York, do certify that Chatles McDermot, one of the City Marshals, has been in attendance at the Poll and Canvass of said election, for five days, and that said attendance was needed.

CHAS. DUSENBERRY,
ANDREW SURRE.

May 5, 1834.

DOCUMENT NO. LXI.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Report of the Finance Committee relative to the pay of Sunday Officers.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred the following resolution—

"*Resolved*, That the Comptroller pay the bills of the Sunday Officers for duty performed between the first day of December, 1833, and the first day of April, 1834, when duly certified by the Aldermen and Assistants of the respective Wards,"

REPORT,

That a resolution was proposed to this Board on the second day of December, 1833, that it is expedient to re-appoint the Sunday Officers of the Fourteenth Ward, whose term of service expired on the thirtieth of November last.

This resolution was referred to the Police Committee, who reported, on the sixteenth of December, an ordinance amend-

ing the present law, so as to authorise the Alderman and Assistant of each Ward to appoint Sunday Officers for the Winter, and in the following Wards, viz: 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th, 12th, 13th and 15th Wards, each one Sunday Officer: and for the 6th, 7th, 8th and 14th Wards, each two Sunday Officers, to commence on the first day of December, and terminate on the first day of April. The ordinance was adopted by this Board, and sent to the Board of Aldermen for their concurrence.

In the Board of Aldermen, it was referred on the thirty-first of December, 1833, to the Police and Watch Committees, with a request that the representatives of the several Wards be called at their meeting; but whether this request was complied with or not, does not appear. The Committee however, reported a concurrence in the ordinance passed by this Board, amending it so as to give the Fourth Ward two officers instead of one.

This report was referred back to the Committee, but for what reason does not appear, and it has, since that period, lain dormant in the hands of the Chairman of this Committee, who is now absent from the city.

Your Committee are informed by several members of the Common Council, that, under an impression that the aforesaid Ordinance had passed into a law, they have employed Sunday Officers in their respective Wards, in accordance with its provisions; and your Committee, no ways doubting the words of honorable members, are induced thereby to recommend the passage of the resolution referred to them, with the provision, however, that the number of officers to be paid shall in no case exceed the number designated for each Ward by the proposed ordinance.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

DOCUMENT NO. LXII.

BOARD OF ASSISTANTS.

MAY 12, 1834.

Report of the Finance Committee on a communication from the Delaware Insurance Company, relative to Iron Conduit Pipes.

JOHN W. RICHARDSON, Clerk.

The Finance Committee, to whom was referred a communication from the Secretary of the Delaware Insurance Company of Philadelphia offering certain Iron Conduit Pipes to the Corporation at a reduced price,

REPORT,

That the pipes alluded to, were intended to fulfil a contract in part, made by the Corporation of this City with Mark Richards of Philadelphia: but the vessel in which they were shipped having been cast away, the pipes have been recovered

by the insurers, and are now offered to the Corporation, at a reduction of twenty-five cents per foot, and the freight free, amounting to sixty dollars more.

The Committee are informed by the Water Purveyor, that these pipes are required in order to complete the line now in progress for conveying the water from the Reservoir at Thirteenth street, to the different sections of the city ; and as it is understood that the works of Mr. Richards have suspended operations, and that the contract for this description of pipes cannot be fulfilled, it is the opinion of your Committee that it will be the interest of the Corporation to make the purchase on the terms proposed by the Insurance Company ; and they offer the following resolution :

Resolved, That the Water Purveyor, under the direction of the Committee on Fire and Water, purchase the aforesaid conduit pipes, on the terms proposed by the Delaware Insurance Company of Philadelphia ; and that the Comptroller draw his Warrant in favor of the proper person for the amount when properly certified, and charge the same to the appropriate account.

Respectfully submitted,

STEPHEN ALLEN,
JOHN I. LABAGH.

Resolved, That an appropriation of two thousand five hundred dollars be made for the purchase of iron pipes which were shipped from Philadelphia for the Corporation of the City of New York, and were cast away, since recovered, and now offered by the Insurance Company to the Corporation at twenty-five cents less per foot than the contract price, which will make a difference of three hundred and forty-four

dollars and twenty-five cents, besides sixty dollars for freight, to be deducted from the amount of the original contract.

Presented by

JAMES PALMER.

New York, March 28th, 1834.

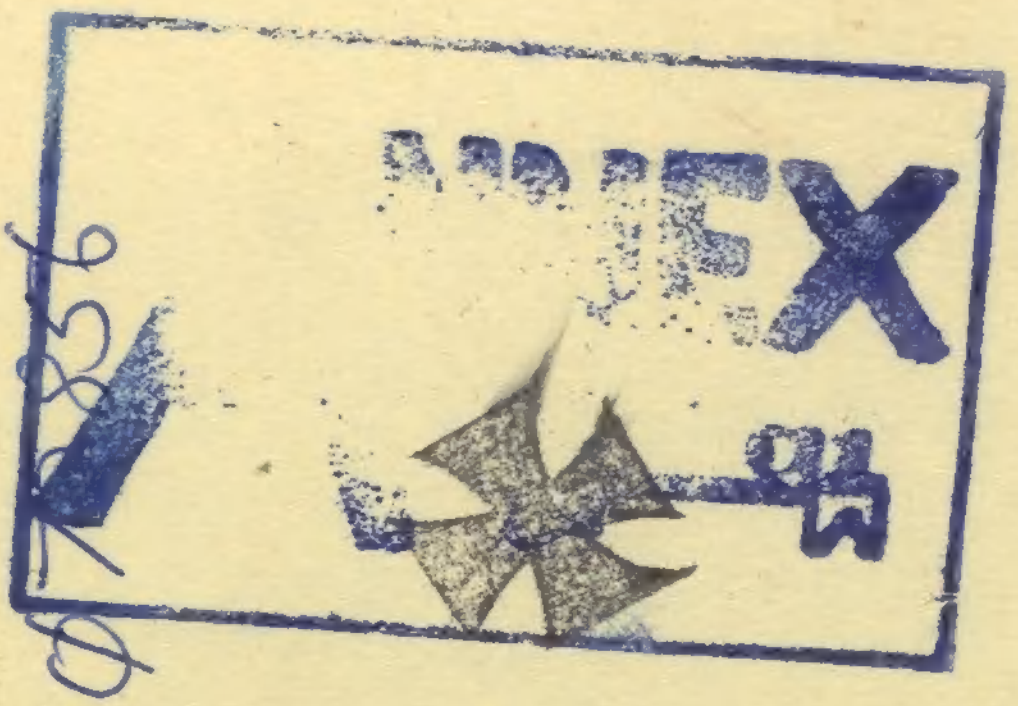
The undersigned, on behalf of those interested in two hundred and twenty-nine cast iron twelve inch pipes, which were originally intended for the City of New York, begs leave to offer them to your Honorable Body at the rate of one dollar and seventy-five cents per foot, to be measured and proved as usual, deducting from the amount of the bill, sixty dollars, which would be the freight to Philadelphia.

JOHN DONALDSON,
Secretary of the Delaware Insurance Company of Philadelphia.

To the Honorable
Council of the City of New York.

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May 12, 1834
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